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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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FEDERAL REGISTER

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Staff Assistant to the Assistant Secretary for Public Affairs is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (6–25–71), subparagraph (22) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(22) One Staff Assistant to the Assistant Secretary for Public Affairs.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-9058 Filed 6-24-71;8:53 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—European Chafer

CANCELLATION OF NOTICE OF REVOCATION OF QUARANTINE AND REGULATIONS

Pursuant to sections 8 and 9 of the Plant Quarantine Act and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the notice of revocation of the European chafer quarantine and regulations thereunder (7 CFR 301.77, 301.77–1 through 301.77–10), published in the FEDERAL REGISTER on March 25, 1971 (36 F.R. 5575), which was to become effective on June 30, 1971, is hereby canceled, in view of additional information subsequently made available to the Department of Agriculture and the said quarantine and regulations will continue in force.

This action continues in effect the quarantine and regulations designed to prevent the interstate spread of the European chafer and should be made effective without delay in order to provide the continuing protection to agriculture which is afforded by such quarantine and regulations. It does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that such public procedures are impracticable and unnecessary in regard to this action, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This cancellation of the notice of revocation of the Federal European Chafer Quarantine (No. 77) and regulations thereunder shall become effective upon publication in the FEDERAL REGISTER (6–25–71).

Done at Washington, D.C., this 22d day of June 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-9029 Filed 6-24-71;8:53 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Soybean Cyst Nematode

CANCELLATION OF NOTICE OF REVOCATION OF QUARANTINE AND REGULATIONS

Pursuant to sections 8 and 9 of the Plant Quarantine Act and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), the notice of revocation of the Soybean Cyst Nematode Quarantine and regulations thereunder (7 CFR 301.79, 301.79–1 through 301.79–10) published in the FEDERAL REGISTER on March 25, 1971 (36 F.R. 5575), which was to become effective on June 30, 1971, is hereby canceled, in view of additional information subsequently made available to the Department of Agriculture, and the said quarantine and regulations will continue in force.

This action continues in effect the quarantine and regulations designed to prevent the interstate spread of the soybean cyst nematode and should be made effective without delay in order to provide the continuing protection to agriculture which is afforded by such quarantine and regulations. It does not appear that public participation in rulemaking procedures concerning this action would make additional relevant information available to the Department. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that such public procedures are impracticable and unnecessary in regard to this action, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This cancellation of the notice of revocation of the Federal Soybean Cyst Nematode Quarantine (No. 79) and regulations thereunder shall become effective upon publication in the FEDERAL REGISTER (6–25–71).

Done at Washington, D.C., this 22d day of June 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-9030 Filed 6-24-71;8:53 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Expenses and Rate of Assessment

On June 9, 1971, notice of rule making was published in the FEDERAL REGISTER (36 F.R. 11103) regarding proposed expenses and the related rates of assessment for the fiscal period beginning March 1, 1971, and ending February 29, 1972, pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Control Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 917.210 Expenses and rate of assessment.

(a) Expenses: Expenses that are reasonable and likely to be incurred during the fiscal period March 1, 1971, through February 29, 1972, will amount to $427,990.

(b) Rate of assessment: The rates of assessment for such fiscal period payable by each handler in accordance with § 917.37 are fixed at:

(1) Nine-tenths of a cent ($0.009) per standard western pear box of pears, or its equivalent in other containers or in bulk;

(2) Four and four-tenths cents ($0.044) per standard four-basket crate of plums, or its equivalent in other containers or in bulk;

(3) Three and five-tenths of a cent ($0.035) per Los Angeles lug of peaches, or its equivalent in other containers or in bulk.

(c) Terms used in the amended marketing agreement and this part shall, when used herein, have the same meaning as is given to the respective term in

said amended marketing agreement and this part.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of plums and peaches are currently underway; (2) the relevant provisions of said amended marketing agreement and this part require that the rates of assessment fixed for a particular season be applicable to all fresh pears, plums, and peaches from the beginning of such fiscal period; and (3) the fiscal period began March 1, 1971, and the rates of assessment herein fixed will automatically apply to all pears, plums, and peaches beginning with such date.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 21, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-8984 Filed 6-24-71;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

FLUE-CURED TOBACCO, 1971 CROP

Set forth below is a schedule of advanced rates, by grades, for the 1971 crop of types 11-14 Flue-cured tobacco, under the tobacco loan program. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

§ 1464.16 1971 Crop—Flue-cured tobacco, types 11-14, advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
A1F	95.25	B3L	81.25
A2F	93.25	B4L	79.25
B1L	89.25	B5L	75.25
B2L	84.25	B6L	71.25

[1] The advance rates listed are applicable only to untied Flue-cured tobacco which (i) is identified on a 1971 tobacco marketing card which does not bear the notation "No Price Support," and (ii) does not, together with all other tobacco previously marketed and currently being offered for marketing on a single tobacco sales bill, exceed 110 percent of the effective farm marketing quota. Rates for tied Flue-cured tobacco are three dollars ($3.00) per hundred pounds more for each grade than for untied tobacco similarly identified. Tobacco is eligible for advances only if consigned by the original producer and only if produced by a cooperator.

In all belts, advances will be available on both tied and untied tobacco.

Tobacco graded "W" (doubtful keeping order), "U" (unsound), N2, No-G or scrap will not be accepted. The cooperative association through which advances are made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

Grade	Advance Rate	Grade	Advance Rate
B1F	89.25	H3F	84.25
B2F	84.25	H4F	82.25
B3F	81.25	H5F	79.25
B4F	79.25	H6F	75.25
B5F	75.25	H3FR	79.25
B6F	71.25	H4FR	76.25
B1FR	88.25	H5FR	74.25
B2FR	83.25	H6FR	70.25
B3FR	80.25	H4K	76.25
B4FR	76.25	H5K	72.25
B5FR	72.25	H6K	67.25
B6FR	67.25	C1L	90.25
B3R	66.25	C2L	88.25
B4R	61.25	C3L	86.25
B5R	55.25	C4L	84.25
B6R	50.25	C5L	82.25
B3K	72.25	C1F	90.25
B4K	69.25	C2F	88.25
B5K	65.25	C3F	86.25
B6K	59.25	C4F	84.25
B3LV	77.25	C5F	82.25
B4LV	73.25	C4LV	80.25
B5LV	69.25	C4FV	80.25
B3FV	77.25	C4LS	76.25
B4FV	73.25	C5LS	73.25
B5FV	69.25	C4K	80.25
B3LS	72.25	C4KL	77.25
B4LS	69.25	C4KF	77.25
B5LS	66.25	C4KM	77.25
B6LS	59.25	C4KR	80.25
B3FS	68.25	X1L	86.25
B4FS	66.25	X2L	84.25
B5FS	62.25	X3L	82.25
B6FS	56.25	X4L	79.25
B3KL	63.25	X5L	74.25
B4KL	61.25	X1F	86.25
B5KL	58.25	X2F	84.25
B6KL	52.25	X3F	82.25
B3KF	62.25	X4F	79.25
B4KF	60.25	X5F	74.25
B5KF	57.25	X3LV	77.25
B6KF	51.25	X4LV	74.25
B3KM	66.25	X3FV	77.25
B4KM	64.25	X4FV	74.25
B5KM	61.25	X3LS	75.25
B6KM	55.25	X4LS	71.25
B3KR	72.25	X3FS	73.25
B4KR	69.25	X4FS	70.25
B5KR	66.25	X4KL	72.25
B4KV	63.25	X4KF	72.25
B5KV	57.25	X4KV	67.25
B6KV	52.25	X3KM	75.25
B5RR	51.25	X4KM	70.25
B4GL	66.25	X4KR	75.25
B5GL	63.25	X4G	67.25
B6GL	57.25	X5G	61.25
B4GF	65.25	X4GK	64.25
B5GF	60.25	P2L	81.25
B6GF	55.25	P3L	78.25
B4GR	58.25	P4L	75.25
B5GR	52.25	P5L	69.25
B6GR	46.25	P2F	81.25
B4GK	60.25	P3F	78.25
B5GK	55.25	P4F	75.25
B6GK	50.25	P5F	69.25
B5RG	48.25	P4G	64.25
B4GG	49.25	P5G	57.25
B5GG	47.25	N1L	59.25
H1L	89.25	N1XL	64.25
H2L	86.25	N1K	58.25
H3L	84.25	N1F	54.25
H4L	82.25	N1R	47.25
H5L	79.25	N1GL	52.25
H6L	75.25	N1GF	50.25
H1F	89.25	N1GR	45.25
H2F	86.25	N1GG	42.25

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, sec. 125, 70 Stat. 198, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 7 U.S.C. 1813, 15 U.S.C. 714b, 714c)

Effective date: Date of filing with the Office of the Federal Register.

Signed at Washington, D.C. on June 18, 1971.

CARROLL G. BRUNTHAVER,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.71-9031 Filed 6-24-71;8:54 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-EA-93; Amdt. 39-1236]

PART 39—AIRWORTHINESS DIRECTIVES

B. F. Goodrich Aircraft Tires

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to B. F. Goodrich aircraft tires.

There have been reports of tire failures of B. F. Goodrich 26 x 6.6 14 PR tubeless 200 m.p.h. aircraft tires, whereby the tread has separated from the tire carcass. Since it was found that immediate corrective action was required, a telegram, dated May 21, 1971, was transmitted to all known owners of aircraft incorporating the subject tires. These conditions still exist, and notice and public procedure hereon are impractical, and good cause exists for making the rule effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

B. F. GOODRICH. Applies to B. F. Goodrich 26 x 6.6, 14 PR; tubeless, 200 m.p.h. tire, S/N's 0318 AK 0000 through and including 0365 AK 9999.

(a) Prior to next flight, visually inspect the tire, particularly on sidewall and shoulders, for bumps, blisters, or peeling.

(b) Replace defective tires with tire or tires having S/N's outside of the subject group, or with an equivalent tire approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) If a tire within the subject group reveals no specified deficiency, it may be used for a maximum of five (5) landings thereafter, provided the tire is inspected prior to each flight in accordance with paragraph (a). Replace tires after five (5) landings in accordance with paragraph (b).

This amendment is effective July 2, 1971, and was effective upon receipt for all recipients of the airmail letter, dated May 22, 1971, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 16, 1971.

WALTER D. KIES,
Acting Director, Eastern Region.

[FR Doc.71-8978 Filed 6-24-71;8:49 am]

[Docket No. 71-CE-18-AD; Amdt. 39-1235]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Model 17-30 Airplanes

There have betn reports of complete loss of engine power when using the fuel boost pump on Bellanca model 17-30 airplanes. These reports indicated that the engine will not restart in flight under certain conditions when one follows the operating instructions specified in the airplane flight manual for switching from a dry tank to one containing fuel. Further, the agency has determined that complete loss of engine power will occur in these aircraft when the boost pump is inadvertently left on "On" and the throttle is retarded below 19 inches hg. manifold pressure. Since this condition is likely to exist in other airplanes of the same type design, an airworthiness directive is being issued requiring within 50 hours' time-in-service from the effective date of this AD, modification of the boost pump electrical circuit to reduce pump output pressure by the installation of a three-position switch, resistor, and switch guard in accordance with Bellanca Service Letter 61A, Revision A, dated April 26, 1971, or any equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. The AD also requires insertion of Revision No. 13 in the Airplane Flight Manual.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provision of the Administrative Procedure Act is not practical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BELLANCA. Applies to Model 17-30 airplanes.

Compliance: Within 50 hours' time-in-service after the effective date of this AD, unless already accomplished.

To prevent possible loss of engine power when using the fuel boost pump, accomplish the following:

(A) Modify the fuel boost pump electrical circuit by installing a three (3) position toggle switch, a three (3) ohm twenty (20) watt resistor, and a switch guard in accordance with Bellanca Service Letter No. 61A, Revision A, dated April 26, 1971, or later FAA-approved revisions.

(B) Insert Airplane Flight Manual Revision No. 13, dated May 26, 1971, or later FAA-approved revisions, in the Airplane Flight Manual. (Revision No. 13 is included in Bellanca Service Kit SK2-1040 referred to in Service Letter No. 61A, Revision A.)

(C) Any alternate equivalent method of compliance with paragraphs A and B above must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective June 26, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on June 16, 1971.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.71-8964 Filed 6-24-71;8:48 am]

[Docket No. 11171; Amdt. 39-1238]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU-2B Airplanes

There have been reports of peeling and release of the fungus resistant top coating from the bottom inner surface of the main integral fuel tank on Mitsubishi Model MU-2B airplanes that could result in fuel system blockage and engine flameout. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require periodic inspections of the main integral fuel tank inner surface coating and repair of peeling or blistering surfaces.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MITSUBISHI. Applies to Models MU-2B-10 (Serial Nos. 101, 103 through 111, 113, 116, 117, 119, 120); MU-2B-15 (Serial Nos. 114, 115, 118); MU-2B-20 (Series Nos. 005, 102, 121 through 127, 129 through 146, 149 through 151, 154 through 170, 172 through 175, 177 through 180, 182, 184, 185, 187 through 199, 205 through 215); and MU-2B-30 Serial Nos. 502 through 551).

Compliance required as indicated.

To prevent possible fuel line clogging due to peeling of the DV1180 fungus resistant coating on the inner surface of the main integral fuel tanks, accomplish the following:

(a) For airplanes which have not had the inspection specified in paragraph (c) accomplished within the last 100 hours' time in service, within the next 10 hours' time in service after the effective date of this AD, comply with paragraph (c).

(b) For airplanes which have had the inspection specified in paragraph (c) accomplished within the last 100 hours' time in service, within 100 hours' time in service from the last inspection, comply with paragraph (c).

(c) Visually inspect the inner bottom surface of the main integral fuel tanks in the area below the fuel filler opening for peeling or blistering of the top coating.

(d) If evidence of peeling or blistering is found during the inspection required by paragraph (c), before further flight, comply with paragraph (f) and thereafter repeat the inspection specified in paragraph (c) at intervals not to exceed 200 hours' time in service from the last inspection.

(e) If no evidence of peeling or blistering is found during the inspection required by paragraph (c), repeat the inspection specified in paragraph (c) once within 100 hours' time in service from the last inspection, and thereafter at intervals not to exceed 200 hours' time in service from the last inspection.

(f) Drain the tanks and visually inspect the entire inner surface of the tanks for any additional evidence of peeling or blistering of the top coating. Remove all defective coating and rework the affected areas in accordance with repair instructions provided in Mitsubishi Service Bulletin No. 143A or a later revision approved by the Japan Civil Aviation Bureau, or an FAA-approved equivalent.

This amendment effective June 30, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on June 21, 1971.

JAMES F. RUDOLPH,
Director,
Flight Standards Service.

[FR Doc.71-8977 Filed 6-24-71;8:49 am]

[Airspace Docket No. 71-WE-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On May 14, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8880) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Sacramento, Calif. (Mather AFB), control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t. August 19, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on June 16, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Sacramento, Calif. (Mather AFB), control zone is amended to read as follows:

SACRAMENTO, CALIF. (MATHER AFB)

Within a 5-mile radius of Mather AFB (latitude 38°33'10" N., longitude 121°18'05"

W.) within 2 miles each side of the Mather TACAN 048° radial, extending from the 5-mile radium zone to 7 miles northeast of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB) 5-mile radius zone.

[FR Doc.71-8965 Filed 6-24-71;8:48 am]

[Airspace Docket No. 71-SW-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Las Vegas, N. Mex., control zone and transition area.

On May 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 8696) stating the Federal Aviation Administration proposed to alter controlled airspace in the Las Vegas, N. Mex., terminal area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 19, 1971, as hereinafter set forth.

(1) In § 71.171 (36 F.R. 2055), the Las Vegas, N. Mex., control zone is amended to read:

LAS VEGAS, N. MEX.

Within a 5-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial extending beyond the 5-mile-radius zone to a point 11 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial extending beyond the 5-mile-radius zone to a point 10 miles southwest of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the Las Vegas, N. Mex., transition area is amended to read:

LAS VEGAS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20" N., long. 105°08'30" W.), and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial, extending beyond the 9-mile-radius area to 11.5 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial, extending beyond the 9-mile-radius area to 11.5 miles southwest of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on June 16, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-8966 Filed 6-24-71;8:48 am]

[Docket No. 11168; Amdt. 762]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5610).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising or canceling the following L/MF-ADF(NDB)-VOR SIAP's, effective July 22, 1971:

Tucson, Ariz.—Tucson International Airport; ADF-1, Amdt. 1; Canceled.
Tucson, Ariz.—Tucson International Airport; VOR-1, Amdt. 5; Canceled.

2. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAP's, effective July 22, 1971:

Tucson, Ariz.—Tucson International Airport; VOR/DME 2, Amdt. 2; Canceled.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective July 22, 1971:

Casper, Wyo.—Casper Air Terminal Airport; VOR Runway 21, Amdt. 12; Revised.
Indianapolis, Ind.—Indianapolis Municipal Weir-Cook Airport; VOR Runway 13R, Amdt. 15; Revised.
Liberal, Kans.—Liberal Municipal Airport; VOR Runway 17, Amdt. 1; Revised.
Liberal, Kans.—Liberal Municipal Airport; VOR Runway 35, Amdt. 6; Revised.
Medford, Oreg.—Medford-Jackson County Airport; VOR-A, Original; Established.
Medford, Oreg.—Medford-Jackson County Airport; VOR Runway 14, Amdt. 10; Canceled.
Olive Branch, Miss.—Municipal Airport; VOR-A, Original; Established.
Perry, Ga.—Perry-Fort Valley Airport; VOR-A, Original; Established.
St. Petersburg-Clearwater, Fla.—St. Petersburg-Clearwater International Airport; VOR Runway 17, Amdt. 4; Revised.
Tucson, Ariz.—Tucson Internatonal Airport; VOR-A, Original; Established.
Casper, Wyo.—Casper Air Terminal Airport; VOR/DME Runway 21, Amdt. 2; Revised.
Douglas, Ariz.—Bisbee-Douglas International Airport; VOR/DME Runway 17, Amdt. 1; Revised.
Hilton Head Island, S.C.—Hilton Head Airport; VOR/DME-A, Amdt. 1; Revised.
Medford, Oreg.—Medford-Jackson County Airport; VOR/DME 1, Amdt. 5; Canceled.
Medford, Oreg.—Medford-Jackson County Airport; VOR/DME 2, Amdt. 3; Canceled.
Medford, Oreg.—Medford-Jackson County Airport; VOR/DME 1, Runway 14, Original; Established.
Medford, Oreg.—Medford-Jackson County Airport;VOR/DME 2, Runway 14, Original; Established.
Pellston, Mich.—Emmett County Airport; VOR/DME Runway 5, Original; Established.
Rockwood, Tenn.—Rockwood Municipal Airport; VOR/DME Runway 22, Original; Established.
Tucson, Ariz.—Tucson International Airport; VOR/DME-A, Original; Established.
Vernon, Ala.—Lamar County Airport; VOR/DME-A, Original; Established.

4. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective July 22, 1971:

Casper, Wyo.—Casper Air Terminal Airport; LOC (BC) Runway 25, Amdt. 11; Revised.
Indianapolis, Ind.—Indianapolis Municipal Weir-Cook Airport; LOC (BC) Runway 13R, Amdt. 3; Revised.
Indianiapolis, Ind.—Indianapolis Municipal Weir-Cook Airport; LOC (BC) Runway 22R, Amdt. 10; Revised.
Moline, Ill.—Quad City Airport; LOC (BC) Runway 27, Amdt. 12; Revised.
Philadelphia, Pa.—Philadelphia International Airport; LOC (BC) Runway 27, Original; Established.
Washington, D.C.—Dulles International Airport; LOC (BC) Runway 1L, Original; Established.
Wilkes-Barre Scranton, Pa.—Wilkes-Barre-Scranton Airport; LOC (BC) Runway 22, Admdt. 2; Revised.

5. Section 97.27 is amended by establishing, revising or canceling the following NDB/ADF SIAPs, effective July 22, 1971:

Atlantic, Iowa—Atlantic Municipal Airport; NDB Runway 12, Amdt. 1; Revised.
Casper, Wyo.—Casper Air Terminal Airport; NDB Runway 7, Amdt. 8; Revised.
Corinth, Miss.—Roscoe Turner Airport; NDB Runway 17, Original; Established.
Corinth, Miss.—Roscoe Turner Airport; NDB Runway 35, Original; Established.
Great Bend, Kans.—Great Bend Municipal Airport; NDB Runway 11, Amdt. 2; Revised.
Indianapolis, Ind.—Indianapolis Municipal Weir-Cook Airport; NDB Runway 4L, Amdt. 11; Revised.
Indianapolis, Ind.—Indianapolis Municipal Weir-Cook Airport; NDB Runway 31L, Amdt. 4; Revised.
Jacksonville, N.C.—Albert J. Ellis Airport; NDB-A, Original; Established.
Jacksonville, N.C.—Albert J. Ellis Airport; NDB Runway 5, Original; Established.
Moline, Ill.—Quad-City Airport; NDB Runway 9, Amdt. 16; Revised.
Sanford, Fla.—Sanford Airport; NDB Runway 9, Original; Established.
Storm Lake, Iowa—Storm Lake Municipal Airport; NDB Runway 31, Amdt. 1; Revised.
Tucson, Ariz.—Tucson International Airport; NDB-A, Original; Established.
Wilkes-Barre-Scranton, Pa.—Wilkes-Barre-Scranton Airport; NDB-A, Amdt. 11; Revised.

6. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective July 22, 1971:

Casper, Wyo.—Casper Air Terminal Airport; ILS Runway 7, Amdt. 17; Revised.
Indianapolis, Ind.—Indianapolis Municipal Weir-Cook Airport; ILS Runway 4L, Amdt. 13; Revised.
Indianapolis, Ind.—Indianapolis Municipal Weir-Cook Airport; ILS Runway 31L, Amdt. 5; Revised.
Medford, Oreg.—Medford-Jackson County Airport; ILS Runway 14, Amdt. 3; Revised.
Moline, Ill.—Quad-City Airport; ILS Runway 9, Amdt., 16; Revised.
Wilkes-Barre-Scranton, Pa.—Wilkes-Barre-Scranton Airport; ILS Runway 4, Amdt. 26; Revised.

7. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective July 22, 1971:

Indianapolis, Ind.—Indianapolis Municipal Weir-Cook Airport; Radar-1, Amdt. 18; Revised.
Spokane, Wash.—Spokane International Airport; Radar-1 Amdt. 7; Revised.
Tucson, Ariz.—Tucson International Airport; Radar-1, Amdt. 6; Revised.
Wilkes-Barre-Scranton, Pa.—Wilkes-Barre-Scranton Airport; Radar-1, Amdt. 6; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 16, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-8758 Filed 6-24-71;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart A—Definitions and Procedural and Interpretative Regulations

ELIGIBILITY OF SUBSTANCES FOR CLASSIFICATION AS GENERALLY RECOGNIZED AS SAFE IN FOOD

In the FEDERAL REGISTER of December 8, 1970 (F.R. 18623), the Commissioner of Food and Drugs proposed to revise § 121.3 to set forth criteria under which substances would or would not be classified as generally recognized as safe (GRAS). The proposal provided for the filing of comments within 30 days and this was extended to January 22, 1971, by a notice published January 7, 1971 (36 F.R. 224).

Numerous substantive comments were received from the food, chemical, and drug industries, trade and professional associations, individual consumers, and other interested persons.

The principal objections were that accepting GRAS status without FEDERAL REGISTER promulgation only for substances of natural biological origin that have been widely consumed for their nutrient properties is too restrictive; that the Food and Drug Administration has no authority to reserve to itself the sole responsibility for determining the GRAS status of substances; that Congress did not intend to equate "food" and "food additive"; and that ample notice should be provided before specific changes in the GRAS list are made. Some misunderstood the proposal and its relationship to the total review of the GRAS list.

Having evaluated the comments received and other relevant information, the Commissioner concludes that:

1. A current review of GRAS substances is necessary because of new scientific knowledge, the development of modern toxicological techniques, and the expanded usage of some GRAS substances beyond the exposure patterns considered when the GRAS list was originally promulgated. Also, the President has specifically directed the Food and Drug Administration to reevaluate all items generally recognized as safe for their intended use and used in food without food additive clearance.

2. A plan should be provided whereby the GRAS status of a substance may be determined through an administrative process by the Food and Drug Administration after the substance's intended use has been presented to the scientific community and to the public for review. Thus, the revision of § 121.3 is necessary to establish the general administrative plan for classifying substances as GRAS.

3. A regulation should be established prescribing the type of toxicological data upon which the safety of a substance can be determined. Such a regulation is being developed and will be proposed later in the FEDERAL REGISTER.

4. The definition of "safe" in the proposed revision of § 121.3 should be located instead in the list of definitions in § 121.1, and a definition of "generally recognized as safe" also should be added to § 121.1.

5. The limitation of GRAS status without FEDERAL REGISTER promulgation to substances of natural biological origin that have been widely consumed for their nutrient properties is proper to assure appropriate safety review of as many substances as possible.

6. The contention that the terms "food" and "food additive" are mutually exclusive is without basis. Sections 201 (f) and (s) of the Federal Food, Drug, and Cosmetic Act, as well as section 402 (a)(2)(C) which provides that a food additive for which no regulation or exemption is in effect is an adulterated food, establish their equivalency.

7. The GRAS status of particular substances will not be changed by the proposed revision of § 121.3. When changes are contemplated, the Commissioner will published proposals in the FEDERAL REGISTER and invite interested persons to submit comments, unless such prior notice is precluded by public health considerations.

8. The proposal, with changes, should be adopted as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–88, as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. Section 121.1 is amended by revising paragraph (i) and adding a new paragraph (k), as follows:

§ 121.1 Definitions and interpretations.

* * * * *

(i) "Safe" means that after reviewing all available evidence, including:

(1) The probable consumption of the substance and of any substance formed in or on food because of its use;

(2) The cumulative effect of the substance in the diet of man and animals, taking into account any chemically or pharmacologically related substance or substances in such diet; and

(3) Safety factors which in the opinion of experts qualified by scientific training and experience to evaluate the safety of foods and food ingredients are generally recognized as appropriate in the use of animal experimentation data;

the Food and Drug Administration can conclude that no significant risk of harm will result when the substance is used as intended.

* * * * *

(k) "Generally recognized as safe" means general recognition of safety by experts qualified by scientific training and experience to evaluate the safety of such a substance, as determined through the procedure prescribed by §121.3 (b) (2). On the basis of scientific data derived from published literature, available to experts generally, reporting on credible toxicological testing, or for those substances used in food prior to January 1, 1958, on the basis of a reasoned judgment founded in experience with common food use, the substance is recognized to have no significant risk of harm if used as intended, taking into account in either case:

(1) Reasonably anticipated patterns of consumption of the substance and of any substance formed in or on food because of the use of the substance;

(2) The cumulative effect of the substance, and any chemically or pharmacologically related substance, in the diet of man or animals; and

(3) Safety factors appropriate for the utilization of animal experimentation data.

2. Section 121.3 is revised to read as follows:

§ 121.3 Eligibility for classification as generally recognized as safe (GRAS).

(a) To provide assurance that any substance is absolutely safe for human or animal consumption is impossible. This is particularly true for substances intended for human consumption which have been tested in animals.

(b) A substance used as food, or the intended use of which results or may reasonably be expected to result directly or indirectly in its becoming a component of food or affecting the characteristics of food, may be eligible for classification as generally recognized as safe (GRAS) under the following criteria:

(1) Substances that will be considered as GRAS and for which a promulgation in the FEDERAL REGISTER is not required:

(i) Any substance of natural biological origin that has been widely consumed for its nutrient properties in the United States prior to January 1, 1958, without detrimental effect when used under reasonably anticipated patterns of consumption.

(ii) Substances defined in subdivision (i) of this subparagraph that have been modified by conventional processing as practiced prior to January 1, 1958.

(2) Substances that will be affirmed as GRAS by the Commissioner after he has given notice in the FEDERAL REGISTER that the status of such substance (and limitations, if any) is under consideration, invited experts qualified by scientific training and experience to evaluate the safety of foods and food ingredients to submit comments, reviewed all available evidence and the comments received, and found convincing evidence of its general recognition of safety:

(i) Substances defined in subparagraph (1) (i) of this paragraph that have been modified by processes proposed for January 1, 1958, where such processes may reasonably be expected to significantly alter the composition of the substance.

(ii) Substances that have had significant alteration of composition by breeding or selection and the change may reasonably be expected to alter to a significant degree the nutritive value or the concentration of toxic constituents therein.

(iii) Distillates, isolates, extracts, concentrates of extracts, or reaction products of substances considered as GRAS.

(iv) Substances not of natural biological origin including those for which evidence is offered that they are identical with a GRAS counterpart or natural biological origin.

(v) Substances of natural biological origin intended for consumption for other than their nutrient properties.

(c) Substances that do not meet the criteria of paragraph (b) of this section are not eligible for GRAS status and hence require a food additive regulation promulgated under section 409 of the act, and no substance will be eligible for GRAS status if it has no history of food use or requires prescribed limitations for safe use.

(d) Any substance used in food must be of food-grade quality. The Commissioner regards the applicable specifications in the current edition of "Food Chemicals Codex" as establishing food grade unless he has by FEDERAL REGISTER promulgation established other specifications.

(e) If the Commissioner has not affirmed a given substance as GRAS on his own initiative, such affirmative ruling may be sought by submitting to the Commissioner a request containing all relevant usage and safety data.

(f) Substances listed as GRAS may require reclassification either because of the criteria established by this section or because of new information regarding safety. The initial results of a new investigation, even if not convincing with respect to potential harm, may establish that the substance in question can no longer be considered as GRAS. Newly reported information will be carefully evaluated by the Commissioner, along with other available information, to determine whether or not there has been a significant increase in risk to the public health from using the substance as intended. No change will be made in existing GRAS status until the Commissioner determines that the substance requires evaluation.

(g) If a responsible and substantial question of safety has been raised regarding a substance previously listed as GRAS, but the main weight of the scientific evidence still establishes safety within certain limits, an interim food additive regulation may be proposed in the FEDERAL REGISTER. This will permit further scientific investigations to define the conditions of safe use for a food additive regulation of indefinite duration.

Effective date. This procedural and defining order is effective upon publication in the FEDERAL REGISTER (6–25–71).

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–88, as amended; 21 U.S.C. 321(s), 348, 371(a))

Dated: June 18, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-8976 Filed 6-24-71;8:49 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

O,O-Dimethyl Phosphorodithioate, S-Ester With 4-(Mercaptomethyl)-2-Methoxy-Δ^2-1,3,4-Thiadiazolin-5-One

A petition (PP 0F4892) was filed by Geigy Agricultural Chemicals, a division of Ciba-Geigy Chemical Corp., Ardsley, N.Y. 10205, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the insecticide *O,O*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one and its oxygen analog *O,O*-dimethyl-*S*-[2-methoxy-1,3,4-thiadiazol-5-(4*H*)-onyl-(4)-methyl] phosphorothiolate in or on the raw agricultural commodities alfalfa, alfalfa hay, clover, clover hay, grass, and grass hay at 10 parts per million; citrus fruit at 6 parts per million; and cottonseed at 0.2 part per million.

Subsequently, the petitioner amended the petition by proposing tolerances of 6 parts per million for residues in or on alfalfa, alfalfa hay, clover, clover hay, grass, and grass hay, and withdrawing the request for a tolerance for residues in or on citrus fruit.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established, and the Fish and Wildlife Service of the Department of the Interior advised that it has no objection to these tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed usage is not reasonably expected to result in residues of the herbicide in meat, milk, poultry, and eggs. The uses are classified in the category specified in § 420.6(a) (3).

2. The tolerances established by this order will protect the public health.

3. There is no need to include the oxygen analog in the tolerance since it will not be present in significant amounts.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21

U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 420 is amended as follows:

1. Section 420.3(e)(5) is amended by alphabetically inserting in the list of cholinesterase-inhibiting pesticides a new item, as follows:

§ 420.3 Tolerances for related pesticide chemicals.

* * * * *

(e) * * *

(5) * * *

O,O-Dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one.

* * * * *

2. The following new section is added to Subpart C:

§ 420.298 *O,O*-Dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one; tolerances for residues.

Tolerances for residues of the insecticide *O,O*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one are established in or on raw agricultural commodities as follows:

6 parts per million in or on alfalfa, alfalfa hay, clover, clover hay, grass, and grass hay.

0.2 part per million in or on cottonseed.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6-25-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 17, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-8986 Filed 6-24-71;8:49 am]

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

N-1-Naphthyl Phthalamic Acid

A petition (PP 0F0904) was filed by Uniroyal Chemical, division of Uniroyal, Inc., Bethany, CT 06525, proposing establishment of tolerances for negligible residues of the herbicide *N*-1-naphthyl phthalamic acid in or on the raw agricultural commodities peanuts at 0.2 part per million; and cantaloups, castor beans, cranberries, cucumbers, muskmelons, peaches, peanut forage, plums, potatoes, pumpkins, soybeans, soybean forage, squash, sweetpotatoes, and watermelons at 0.1 part per million.

Subsequently, the petitioner amended the petition by changing peanut and soybean forage to peanut and soybean hay, reducing the proposed tolerance of 0.2 part per million to 0.1 part per million in or on peanuts, and withdrawing the raw agricultural commodities castor beans, peaches, plums, potatoes, pumpkins, squash, and sweetpotatoes.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which the tolerances are being established, and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to these tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. Residues of the herbicide are not reasonably expected to transfer to eggs, meat, milk, and poultry from the proposed use, as specified in § 420.6(a)(3).

2. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator 35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038), Part 420 is amended by adding a new section to Subpart C, as follows:

§ 420.297 *N*-1-Napthyl phthalamic acid; tolerances for residues.

A tolerance of 0.1 part per million is established for negligible residues of the herbicide *N*-1-napthyl phthalamic acid from application of its sodium salt in or on the raw agricultural commodities cantaloups, cranberries, cucumbers, muskmelons, peanuts, peanut hay, soybeans, soybean hay, and watermelons.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (6-25-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: June 17, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-8985 Filed 6-24-71;8:49 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER A—GENERAL

[Docket No. R-71-120]

PART 200—INTRODUCTION

Subpart D—Delegations of Basic Authority and Functions

DIRECTOR, PRODUCTION DIVISION, AND DEPUTY

Section 200.116(a) of the Delegations of Basic Authority and Functions published March 16, 1971 (36 F.R. 4980) under Part 200 of Title 24 provided that the Director, and Deputy Director, Production Division, were authorized to approve construction change orders, and mortgage insurance advances during construction. This authority had been previously delegated to the Assistant Director for Technical Services under § 200.113(a) of the delegations of authority published October 30, 1970 (35 F.R. 16797).

Accordingly, the phrase "* * * construction change orders, mortgage insurance advances during construction, * * *" is revoked from paragraph (a) of § 200.116, which shall read as follows:

§ 200.116 Director, Production Division, and Deputy.

* * * * *

(a) To direct all activities essential to the insurance of mortgages, including the approval of determinations supporting feasibility letters, commitments and insurance endorsements, and the approval of cost certifications, eligibility statements, regulatory agreements, nonprofit sponsors and housing consultants, all as related to mortgages in programs other than one- to four-family housing; to establish and monitor adherence to related processing priorities and schedules, and to perform the functions and exercise the authorities set forth in §§ 200.113, 200.114, and 200.115.

* * * * *

(Secretary's delegation of authority published at 35 F.R. 2749, Feb. 7, 1970; 35 F.R. 14515, Sept. 16, 1970)

Effective date. This revocation is effective March 1, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commisioner.

[FR Doc.71-8999 Filed 6-24-71;8:51 am]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order No. 460-71]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Orders of the Attorney General

The Administrative Division of the Department has prepared a new directives system for issuing and distributing certain internal Department directives. This order amends the Department's regulations governing issuance of orders, memoranda, and directives to enable the Assistant Attorney General for Administration to effectuate the new directives system.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Subpart AA of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is revised to read as follows:

Subpart AA—Orders of the Attorney General

Sec.
0.180 Documents designated as orders.
0.181 Requirements for orders.
0.182 Submission of proposed orders to the Office of Legal Counsel.
0.183 Distribution of orders.

AUTHORITY: The provisions of this Subpart AA issued under 28 U.S.C. 509, 510; 5 U.S.C. 301.

Subpart AA—Orders of the Attorney General

§ 0.180 Documents designated as orders.

All documents relating to the organization of the Department or to the assignment, transfer, or delegation of authority, functions, or duties by the Attorney General or to general departmental policy shall be designated as orders and shall be issued only by the Attorney General in a separate, numbered series. Classified orders shall be identified as such, included within the numbered series, and limited to the distribution provided for in the order or determined by the Assistant Attorney General for Administration. All documents amending, modifying, or revoking such orders, in whole or in part, shall likewise be designated as orders within such numbered series, and no other designation of such documents shall be used.

§ 0.181 Requirements for orders.

Each order prepared for issuance by or approval of the Attorney General shall be given a suitable title, shall contain a clear and concise statement explaining the substance of the order, and shall cite the authority for its issuance.

§ 0.182 Submission of proposed orders to the Office of Legal Counsel.

All orders prepared for the approval or signature of the Attorney General shall be submitted to the Office of Legal Counsel for approval as to form and legality and consistency with existing orders.

§ 0.183 Distribution of orders.

The distribution of orders, unless otherwise provided by the Attorney General, shall be determined by the Assistant Attorney General for Administration.

Dated: June 19, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-8963 Filed 6-24-71;8:47 am]

[Order No. 461-71]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

PART 46—EMPLOYEE GRIEVANCES

PART 47—RECONSIDERATION AND REVIEW OF ADVERSE ACTIONS IN THE DEPARTMENT OF JUSTICE

Miscellaneous Amendments

This order delegates authority to the Assistant Attorney General for Administration to implement current regulations relating to adverse actions and employee grievances. The order also revokes the existing Department regulations on these subjects, which are replaced by regulations issued by the Assistant Attorney General for Administration, effective this date, implementing Executive Order No. 10987 of January 17, 1962, relating to agency systems for appeals from adverse actions, and Civil Service Commission regulations governing adverse action hearings, appeals and grievances.

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.76(c)(3) of Subpart O of Part 0 is amended by adding the words "adverse action hearings, appeals and grievances," immediately after the words "labor-management relations."

2. Parts 46 and 47 are revoked.

Dated: June 19, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71-8962 Filed 6-24-71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 60—Office of Federal Contract Compliance, Equal Employment Opportunity, Department of Labor

PART 60-8—ATLANTA PLAN

Pursuant to a notice of hearing appearing in the FEDERAL REGISTER on March 16, 1971 (36 F.R. 5020), representatives of the Department of Labor conducted public hearings in Atlanta, Ga., on March 31, April 1, and 2, 1971, for the purpose of determining what action should be taken to ensure equal employment opportunity in the construction industry in Atlanta, Ga. As a result of the findings made during those hearings, the Atlanta Plan is hereby issued and published in the FEDERAL REGISTER. A copy of the findings made as a result of the above noted hearings has been submitted with these regulations and is on file.

Therefore, and pursuant to Executive Order 11246 (30 F.R. 12319; 3 CFR 1964-65 Comp., p. 406) and §§ 60-1.1 and 60-1.40 of Title 41 of the Code of Federal Regulations, Chapter 60 of these regulations is hereby amended by adding a new Part 60-8 to read as set forth below.

Subpart A—Purpose; Applicability; Background

Sec.
60-8.1 Purpose.
60-8.2 Applicability.
60-8.3 Background.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

60-8.10 General findings.
60-8.11 Minority participation in the specified trades.
60-8.12 Availability of minority group persons for employment.
60-8.13 Need for training.
60-8.14 The impact of the Plan upon the existing labor force.
60-8.15 Conclusions of findings.

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

60-8.20 Non-discriminatory purpose of the Plan.
60-8.21 Requirements.
60-8.22 Exemptions.
60-8.23 Effective date.

Subpart D—Appendix A

60-8.30 Appendix A.

AUTHORITY: The provisions of this Part 60-8 issued under secs. 201, 202, 205, 211, 301, 302, and 303 of Executive Order 11246 (30 F.R. 12319; 3 CFR 1964-65 Comp., p. 406); and §§ 60-1.1 and 60-1.40 of Title 41 of the Code of Federal Regulations.

Subpart A—Purpose; Applicability; Background

§ 60–8.1 Purpose.

The purpose of the regulations in this part is to implement the provisions of Executive Order 11246, and the rules and regulations issued pursuant thereto, requiring a program of equal employment opportunity by Federal contractors and subcontractors and federally assisted construction contractors and subcontractors in Atlanta, Ga.

§ 60–8.2 Applicability.

While a contractor or subcontractor is performing on federally involved (Federal or federally assisted) construction contracts for projects, in the five county Atlanta, Ga., Standard Metropolitan Statistical Area of Fulton, De Kalb, Cobb, Clayton, and Gwinnett, the estimated cost of which exceeds $500,000, all construction activities (including all activities on nonfederally involved work) of such a contractor or subcontractor within the Atlanta area shall be subject to the requirements of the regulations in this part: *Provided, however,* That if an area-wide agreement is developed for any trade covered by the regulations in this part or any such trade is covered by a multi-trade agreement and such an agreement is among contractors, unions, and the minority community, then the Office of Federal Contract Compliance (OFCC) may, in its complete discretion, accept such program in lieu of any or all of the requirements of the regulations in this part, subject to such terms and conditions as OFCC may specify.

§ 60–8.3 Background.

Public hearings were conducted by representatives of the Department of Labor in Atlanta, Ga., on March 31, April 1 and 2, 1971, to determine what action should be taken to insure equal employment opportunity in the construction industry in Atlanta, Ga. Testimony was heard and data received on the following:

(a) The current extent of minority group participation in the construction trades as journeymen, apprentices, trainees, and helpers;

(b) The effectiveness of present employee recruitment methods;

(c) The availability of qualified and qualifiable minority group persons for employment in each construction trade, including where they are now working, how they may be brought into the trades;

(d) The effectiveness of existing training programs in the area, including the number of minorities and others recruited into the programs, the number who complete training, the length and extent of training, employer experience with trainees, the need for additional or expanded training programs;

(e) The number of additional workers that could be absorbed into each trade without displacing present employees, including consideration of present employee shortages, projected growth of the trade, projected employee turnover;

(f) The availability and utilization of minority contractors on federally involved contracts;

(g) The desirability and extent, including the geographical scope, of possible Federal action to ensure equal employment opportunity in the construction trades;

(h) Recommendations of governmental compliance agencies active in the Atlanta, Ga., area.

Subpart B—General Findings; Minority Participation in Specific Trades; Availability; Need for Training; Impact Upon Existing Labor Force

§ 60–8.10 General findings.

As a result of the material presented at the public hearing in Atlanta and as a result of other investigations, it is apparent that minority workers (Negroes, Spanish surnamed Americans, Orientals, and American Indians) have been prevented from fully participating in certain construction trades. This exclusion is due in great measure to the special nature of employment practices in the construction industry where contractors and subcontractors rely on construction craft unions as their prime or sole labor source. Collective bargaining agreements and/or established custom between construction contractors and subcontractors and unions frequently provide for, or result in, exclusive hiring halls. Even where the collective bargaining agreement contains no such hiring hall provisions or the custom is not rigid, as a practical matter most people working in these classifications are referred to the jobs by the unions. As a result, referral by the union is a virtual necessity for obtaining employment in union construction projects. Minorities often have not gained admittance into membership of certain unions and into certain apprenticeship programs, and, thus, for these and other reasons, have not been referred for employment.

§ 60–8.11 Minority participation in the specified trades.

(a) *Minority participation in the specified trades.* The overall minority population in the Atlanta area is approximately 22.6 percent. Minority representation among journeymen employees in the Atlanta area construction industry is approximately 27.1 percent. However, very few of these minorities are located in certain "skilled" trades.

(b) *Statistical data.* The most reliable data developed at the hearings reveal the following as the current minority representation in unions in selected trades, for the Atlanta area:

Asbestos Workers, 8.5 percent.
Bricklayers, 33 percent.
Carpenters, 3.4 percent.
Electricians, 0.5 percent.
Elevator Constructors, 1.1 percent.
Operating Engineers, 30 percent.
Glaziers, 0 percent.
Iron Workers, 1.3 percent.
Laborers, 91.4 percent.
Lathers, 53.3 percent.
Millwrights, 1 percent.
Painters, 3.6 percent.
Plasters, 62.5 percent.
Plumbers, 1.6 percent.
Roofers, 89.2 percent.
Sheetmetal Workers, 0 percent.

It is apparent from the foregoing that certain trades evidence a significant underutilization of minority employees. Several of the above-designated trades and others however, as supported by findings of fact in that regard, do not appear to be engaged in the underutilization of minorities and accordingly will not be included under the requirements of the regulations in this part, at this time. These excluded trades are the bricklayers, operating engineers, laborers, lathers, plasterers, and roofers. Therefore, the requirements of the regulations in this part shall apply only to the trades of asbestos workers, carpenters, electricians, elevator constructors, glaziers, ironworkers, millwrights, painters, plumbers, and the sheet metal workers.

§ 60–8.12 Availability of minority group persons for employment.

(a) *Population.* (1) The April 1970 population estimate of the Atlanta area as found by the U.S. Census Bureau was 1,390,164 for a gain of 36.7 percent since the 1960 census. This population is disbursed among five counties that range in population from 607,592 residents in Fulton County to 72,349 in Gwinnett County, and includes a minority constituency of 314,015 or approximately 22.5 percent.

(2) The total labor force in the Atlanta area is approximately 700,000 persons, all but 19,000 of whom are nonagricultural. The contract construction industry accounts for the employment of approximately 31,500 persons. The total unemployment rate in the Atlanta area as of January 1971 was 3.2 percent. Negro unemployment in the Atlanta area however, as has been true of the Nation generally, has rather consistently been approximately twice the unemployment rate in the white labor force. Data for the full 1969 fiscal year indicates that this was a fact of long standing particularly in the city of Atlanta by showing unemployment for Negroes in that area at 7.3 percent while white unemployment was placed at less than one-half that figure, 3.4 percent.

(3) Based upon a statistical submission by the State of Georgia Department of Labor, in excess of 38,000 minority group persons are classified as underutilized, as employed part time for economic reasons, employed full time with total family income below the poverty level or excluded from the active work force altogether solely because of employment barriers. In addition there is the added problem of finding suitable employment for an estimated 1,500 returning minority group veterans during the present calendar year.

(4) For the city of Atlanta, the panel found its civilian labor force to approximate 206,000 of whom 96,000 are Negro. Of this figure an estimated 195,400 are employed including 89,000 Negroes.

(b) *Training programs.* (1) Although the Hearing Panel found that minorities have been and continue to be statistically underrepresented in certain construction trades and trade unions, this is not due to any lack of available qualified or qualifiable Negro and other minority applicants.

(2) Rather, the Panel's analysis of all available data reveals that existing contractor and union recruitment efforts fall far short of the type of affirmative action which would bring substantial numbers of available minorities into the construction trades.

(3) Thus a total of 878 minority persons with either some or substantial experience in various construction trades, have registered with the Georgia State Employment Service seeking employment in the industry.

(4) The Atlanta LEAP (Labor Education Advancement Program) has, in a 2-year period indentured 128 minority youth and dropped only 18 of them, equipping the remainder with some measure of the skills necessary to work in the following trades:

Bricklaying, Carpentry, Cement Masonry, Electrical Work, Operating Engineers, Lather, Machinists, Painting, Roofing, and Sheet Metal Work.

(5) The LEAP program's 1970 goal was to indenture 100 persons and tutor 275.

(c) *Community involvement.* Testimony presented at the hearings revealed, and it has consistently been the Department's experience, that the effectiveness of efforts to recruit minority trainees and workers depends in large measure upon the active involvement of minority organizations in the community. Various representatives of minority organizations indicated that they would have little, if any, difficulty in recruiting minority workers for training and jobs in sufficient numbers to meet the manpower needs of the Atlanta area construction industry.

(d) *Minority subcontractors.* Information gained at the hearing indicated, and it is found, that a number of minority subcontractors are operating effectively within the Atlanta area. Utilization of these subcontractors, particularly by nonminority contractors, could significantly expand the participation of minority craftsmen on projects of federally involved construction contractors.

§ 60–8.13 Need for training.

(a) *Existing programs.* (1) Total enrollment in the several vocational educational full-time programs in the Atlanta area is estimated in excess of 80 for the construction trades of whom approximately 50 are minorities. In the night school there are additionally enrolled 234 minorities for training in the construction trades.

(2) MDTA programs operating in the Atlanta area include seven minority group trainees acquiring skills in the construction trades.

(3) A readily available source of minority manpower most of whom could be utilized in the skilled trades with skills refinement training only may be found in the number of minority laborers currently in labor unions having jurisdiction in the Atlanta area. This figure is currently placed at 2,550. Minority representation among the unionized laborers is in excess of 91 percent of the total, an indication of their disproportionate placement and the underutilization of actual or potential skills by the industry.

(4) Additionally, there are substantial numbers of nonunion employees and self-employed minorities currently employed throughout the industry, including 435 electricians, 417 plumbers and pipefitters, and 1,206 carpenters.

(b) *Trainable persons.* It is found and determined that a substantial number of minority persons can receive training annually in the Atlanta area through existing programs with additional funding. The Manpower Administration of the Department of Labor is committed to make available such funds as may be necessary to carry out reasonable and effective training programs in furtherance of the objectives of the regulations in this part and consistent with the policies and standards of the Manpower Administration as amplified in the President's statement of March 7, 1970, directing a 50 percent increase in construction skills training over the next 5 years.

§ 60–8.14 The impact of the Plan upon the existing labor force.

(a) *Contractors commitments.* A contractor could commit himself to minority hiring up to the annual rate of job vacancies for each trade without adverse impact upon the existing labor force. On the basis of specific information presented at the hearings indicating new jobs requirements and replacement needs within the construction trades covered by the regulations in this part, it is expected that there will be 3,000 new job opportunities in the Atlanta area through 1975. These projections are not inconsistent with conservative national statistics which reveal that approximately 7.5 percent of construction trade workers are replaced each year due to death, retirement, disability, and outmigration.

(b) *Timetable.* In an effort to provide an affirmative action program and practical ranges for utilization of minority manpower which can be met by employers in hiring productive, trained minority craftsmen, these rules should be developed to cover an extended period of time. Testimony at the hearing indicated that a 4-year duration for the Plan is proper as the greatest need for additional manpower in the industry will take place during the first part of the decade. Therefore, it is found and determined that in order for the regulations in this part to effect equal employment to the fullest extent, the standards of minority utilization should be determined for the next 4 years.

(c) *Projected new jobs.* The annual percentage of new job opening per craft for selected trades from 1971–75 are as follows:

	Percent
1. Asbestos Workers	10.0
2. Carpenters	7.5
3. Electricians	7.2
4. Elevator Constructors	6.6
5. Glaziers	15.8
6. Iron Workers	4.4
7. Millwrights	6.5
8. Painters	9.4
9. Plumbers	6.6
10. Sheet Metal Workers	9.6

§ 60–8.15 Conclusions of findings.

(a) *Current minority participation.* It is found in the Atlanta area work force data submitted at the public hearings, that minority representation in the construction industry in general exceeds 27 percent while certain skilled trades in the same area and industry have an extremely low minority representation, e.g., electricians 0.5, elevator constructors 1.1, ironworkers 1.3, millwrights 1 and plumbers 1.6. Thus, it appears that the latter trades have a level of minority representation far below that which should have resulted from meaningful past participation in the industry without regard to race, color, or national origin. Therefore, it is determined that the rules in this part are necessary to provide for minority participation in the following trades:

Asbestos Workers.
Carpenters.
Electricians.
Elevator Constructors.
Glaziers.
Ironworkers.
Millwrights.
Painters.
Plumbers.
Sheet Metal Workers.

(b) *Effect of Plan.* A construction contractor working in the Atlanta area could increase the minority participation in his trade significantly by hiring only minorities to fill new job openings (attrition plus growth). However, to do so would inevitably result in the exclusion of qualified nonminorities from such job opportunities. Based upon the fact that the minority population in the Atlanta area is approximately 22.5 percent of the total population, upon the fact that the minority unemployment rate in the Atlanta area is greater than double that of nonminority unemployment, upon the fact that there exists substantial minority underemployment in the area and upon the further fact that significant and effective training programs now exist, it may be reasonably expected that in the filling of new and vacant jobs, effective affirmative action efforts should produce at least one minority applicant for each nonminority applicant for effective construction employment.

(c) *Increased minority participation.* If new and vacated positions in only the trades covered by these rules totaling approximately 3,000 through 1975 were filled by one minority worker for each nonminority worker, the resultant increased minority participation in those

trades alone through June 1975 would be approximately 1,500 workers. On the basis of the findings indicated above, it is estimated that approximately 5,000 minority persons are presently available to fill such jobs, many of whom possess some degree of training. With the anticipated increase in those who should be available over the next 4 years, it appears that more than sufficient numbers of minority workers will be available to effectively fill new and vacated construction trade positions.

(d) *Purpose of ranges.* By establishing ranges which anticipate good faith efforts by construction contractors to fill new and vacated jobs on at least a 1-to-1 minority-to-nonminority basis through June 1975, contractors may recruit from available minority manpower without displacing any existing craftsmen and without discriminating against any nonminority applicant for employment.

(e) *Evaluation and advisory recommendations.* The Department recognizes that the contractors, unions, and minority community, who must operate on a day-to-day basis under the requirements of the regulations in this part, are in the best positions to evaluate the effectiveness of the regulations in this part. Therefore, the Department shall make every effort to encourage and develop a voluntary committee representing these three groups, which committee shall periodically review the effectiveness of the regulations in this part and make advisory recommendations to the Department in this regard.

Subpart C—Nondiscriminatory Purpose of the Plan; Requirements; Exemptions; Effective Date

§ 60–8.20 Nondiscriminatory purpose of the Plan.

The purpose of the contractor's commitment to specific goals is to meet the contractor's affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee.

§ 60–8.21 Requirements.

After full consideration and in view of the foregoing it is determined that:

(a) No contracts or subcontracts shall be awarded for Federally and federally assisted construction in the Atlanta, Ga., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, the document identified as Appendix A, Notice of Requirement for Submission of Affirmative Action Plan To Ensure Equal Employment Opportunity or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all of his work (both Federal and non-Federal) within the Atlanta, Ga., area, during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established in Appendix A of this part. Such Appendix is for all purposes a part of the regulations in this part and shall be deemed a part of all contracts executed pursuant to the regulations in this part. Minority manpower means, for the purposes of the rules in this part, Negroes, Spanish surnamed Americans, Orientals and American Indians. The trades utilizing the following classifications of employees are covered by the rules in this part:

Asbestos Workers.
Carpenters.
Electricians.
Elevator Constructors.
Glaziers.
Ironworkers.
Millwrights.
Painters.
Plumbers.
Sheet Metal Workers.

(b) Each Federal agency shall include, or require the applicant to include, in the invitation for bids, or other solicitation used for a federally involved (Federal or federally assisted) construction contract, when the estimated total cost of the construction project exceeds $500,000, a notice stating that to be eligible for award, each bidder will be required to comply with Appendix A for the hereinbefore designated trades to be used during the term of the performance of the contract—whether or not the work is subcontracted. The form of such notice shall be substantially similar to such Appendix A.

§ 60–8.22 Exemptions.

Requests for exemptions from the regulations in this part must be in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

§ 60–8.23 Effective date.

The provisions of this part will be effective with respect to transactions for which the invitations for bids or other solicitations for bids, or additions or amendments thereto, are sent on or after the publication of the regulations in this part.

Subpart D—Appendix A

§ 60–8.30 Appendix A.

For inclusion in the Invitation or Other Solicitation for Bids for a Federally Involved Construction Contract in the Atlanta, Ga., Area, when the Estimated Total Cost of the Construction Project Exceeds $500,000..

NOTICE OF REQUIREMENT FOR SUBMISSION OF AFFIRMATIVE ACTION PLAN TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

NOTICE

To Be Eligible for Award of the Contract, Each Bidder Must Fully Comply With the Requirements, Terms, and Conditions of This Appendix A.

The following are hereby submitted by the undersigned bidder as its goals for minority manpower utilization ("minority" being Negro, Spanish surnamed American, Oriental, and American Indian) to be achieved on all work of the bidder within the Atlanta, Ga., area, during the terms of his performance of this contract in the trades specified below in conformity with the requirements, terms, and conditions of this Appendix A as hereinafter set forth:

Trade:	*Total number of manhours to be worked by minority persons on all bidder's projects within the Atlanta area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked until June 30, 1972.*
Asbestos Workers	
Carpenters	
Electricians	
Elevator Constructors	
Glaziers	
Ironworkers	
Millwrights	
Painters	
Plumbers	
Sheet Metal Workers	

Trade:	*Total number of manhours to be worked by minority persons on all bidder's projects within the Atlanta area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1972, until June 30, 1973.*
Asbestos Workers	
Carpenters	
Electricians	
Elevator Constructors	
Glaziers	
Ironworkers	
Millwrights	
Painters	
Plumbers	
Sheet Metal Workers	

Trade:	*Total number of manhours to be worked by minority persons on all bidder's projects within the Atlanta area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1973, until June 30, 1974.*
Asbestos Workers	
Carpenters	
Electricians	
Elevator Constructors	
Glaziers	

Ironworkers	
Millwrights	
Painters	
Plumbers	
Sheet Metal Workers	
	Total number of manhours to be worked by minority persons on all bidder's projects within the Atlanta area including on this contract, expressed in terms of a percentage of the total number of manhours to be worked from July 1, 1974, until June 30, 1975.
Trade:	
Asbestos Workers	
Carpenters	
Electricians	
Elevator Constructors	
Glaziers	
Ironworkers	
Millwrights	
Painters	
Plumbers	
Sheet Metal Workers	

REQUIREMENTS, TERMS, AND CONDITIONS

1. No contracts or subcontracts shall be awarded for Federal or federally assisted construction in the Atlanta, Ga., area on projects whose estimated cost exceeds $500,000 unless the bidder completes and submits, prior to bid opening, this document designated as Appendix A, or a substantially similar document, which shall include specific goals of minority manpower utilization for each trade designated below which will be used by the contractor on all his work (both Federal and non-Federal) within the Atlanta, Ga., area during the term of his performance of the contract, such goals to be established by the contractor at least within the ranges established by this appendix in section 3 thereof. Minority manpower means, for the purposes of this Appendix, Negroes, Spanish surnamed Americans, Orientals, and American Indians. The trades utilizing the following classifications of employees are covered by this Appendix:

Asbestos Workers.
Carpenters.
Electricians.
Elevator Constructors.
Glaziers.
Ironworkers.
Millwrights.
Painters.
Plumbers.
Sheet Metal Workers.

A bidder who fails or refuses to complete or submit such goals shall not be deemed a responsive bidder and may not be awarded the contract or subcontract, but such goals need be submitted only for those trades which the contractor contemplates to be used in the performance of the federally involved contract. In no case shall there be any negotiations over the provisions of the specific goals submitted by the bidder after the opening of bids and prior to the award of the contract.

2. The following ranges, constituting acceptable minimums within which a prospective contractor or subcontractor must establish his goals are hereby established as the standards for minority manpower utilization for each of the designated trades in the Atlanta, Ga., area for the next 4 years:

Trade	Range of minority group employment	
		Until June 30, 1972
	Percent	*Percent*
Asbestos workers	13.5	18.5
Carpenters	7.1	10.9
Electricians	4.1	7.7
Elevator constructors	4.3	7.6
Glaziers	7.9	15.8
Ironworkers	3.5	5.7
Millwrights	4.2	7.5
Painters	8.3	13.0
Plumbers	4.9	8.2
Sheet metal workers	4.8	9.6
	From July 1, 1972	Until June 30, 1973
Asbestos workers	18.5	23.5
Carpenters	10.9	14.6
Electricians	7.7	11.3
Elevator constructors	7.6	10.8
Glaziers	15.8	23.7
Ironworkers	5.7	7.9
Millwrights	7.5	10.7
Painters	13.0	17.7
Plumbers	8.2	11.5
Sheet metal workers	9.6	14.4
	From July 1, 1973	Until June 30, 1974
Asbestos workers	23.5	28.5
Carpenters	14.6	18.3
Electricians	11.3	14.9
Elevator constructors	10.8	14.1
Glaziers	23.7	31.6
Ironworkers	7.9	10.1
Millwrights	10.7	14.0
Painters	17.7	22.4
Plumbers	11.5	14.8
Sheet metal workers	14.4	19.2
	From July 1, 1974	Until June 30, 1975
Asbestos workers	28.5	33.5
Carpenters	18.3	22.0
Electricians	14.9	18.5
Elevator constructors	14.1	17.3
Glaziers	31.6	39.5
Ironworkers	10.1	12.3
Millwrights	14.0	17.2
Painters	22.4	27.7
Plumbers	14.8	18.1
Sheet metal workers	19.2	24.0

After the first year of the program, the standards (trades and ranges) set forth herein shall be reviewed to determine whether the projections on which these standards are based adequately reflect the construction labor market situation at that time. Reductions or other significant fluctuations in federally involved construction shall be specifically reviewed from time to time as to their effect upon the practicality of the standards. In no event, however, shall the standards be increased or trades be added for the contracts after bids have been received.

The contractor's or subcontractor's goals established within the above ranges shall express the contractor's or subcontractor's commitment of the percentage of minority personnel who will be working in each specified craft on each of his projects (whether federally involved or otherwise) within the Atlanta, Ga., area during the term of the covered contract.

The man hours for minority workers must be substantially uniform throughout the entire length of the contract for each of the designated trades, to the effect that the percentage of minority workers in the designated trades must be working throughout the length of work on each project in each trade. The contractor or subcontractor shall be deemed to have met his commitment to specific goals for minority manpower utilization:

(a) If the minority manpower utilization rate of the contractor or subcontractor itself meets the goals on the total of all of the contractor's or subcontractor's facilities within the Atlanta area: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(b) If the contractor or subcontractor can establish that it is a member of a contractor's association or other employer organization or association, which has as one of minority manpower and the total fil its purposes the expanded utilization of minority manpower and the total utilization rate of minority craftsman by all member contractors and subcontractors of such an association or organization on all projects in which they are involved within the Atlanta area meets the contractor's or subcontractor's commitments: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix, or

(c) If the contractor or subcontractor can establish that it has a collective bargaining agreement with a labor organization, that it utilizes such organization as its source for over 80 percent of its manpower needs and (i) that the percentage total of minority membership of such organization and the total percentage of minorities referred for employment on all projects within the Atlanta area meets the contractor's or subcontractor's commitments or (ii) that such labor organization has made good faith efforts as described in 5 below in the referral of minorities for employment and the admission of minorities to membership: *Provided, however,* That if the contractor has denied equal employment opportunity, he shall not be in compliance with this appendix.

3. Whenever a contractor or subcontractor uses trades covered by this appendix which were not contemplated at the time of his bid and he therefore does not submit goals for such trades, he shall be deemed to be committed to the minority group employment goal of the minimum percentage range for that trade for the appropriate year.

In the event that under a contract subject to this appendix any work by a trade covered by this appendix is performed after December 31, 1975, the minimum ranges of minority group employment for the year ending December 31, 1975, shall be applicable to such work.

4. The contractor's or subcontractor's commitment to specific goals is to meet affirmative action obligations and is not intended and shall not be used to discriminate against any qualified applicant or employee. Whenever it comes to the bidder's or contractor's attention that the goals are being used in a discriminatory manner, he shall immediately report that fact to the Office of Federal Contract Compliance of the U.S. Department of Labor in order that appropriate proceedings may be instituted.

5. The contractor's or subcontractor's (collectively hereinafter referred to as "contractor") commitment to specific goals for minority manpower utilization as required by this Appendix A shall constitute a commitment that it or the labor organization described in 2(c) above, will make every good faith effort to meet such goals. If the contractor has failed to meet his goals, a determination of "good faith" will be based upon his efforts or those of such labor union to broaden its recruitment base which efforts shall include but not be limited to the following as applicable:

(a) Notification to the community organizations that the contractor or union has

employment opportunities available and maintenance of records regarding the organizations' response.

(b) Maintenance of a file of the names and addresses of each minority worker referred by the union or to the contractor and what action was taken with respect to each such referred worker. If such worker was not sent to the union hiring hall for referral or if such worker was not referred by the union or not employed by the contractor, the file should document this and the reasons therefor.

(c) The contractor shall promptly notify the OFCC Area Coordinator when the union or unions with whom the contractor has a collective bargaining agreement has not referred to the contractor a minority worker sent by the contractor or the contractor has other information that the union referral process has impeded him in his efforts to meet his goal.

(d) Participation in training programs in the area, especially those funded by the Department of Labor.

(e) Dissemination of the contractor's or unions EEO policy within the respective organizations as applicable, by including it in any policy manual; by publicizing it in company or union newspapers, annual report, etc.; by conducting meetings to explain and discuss the policy; by posting of the policy; and by specific review of the policy with minority employees or members.

(f) Dissemination of its EEO policy externally by informing and discussing it with all recruitment sources; by advertising in news media, specifically including minority news media; and by notifying and discussing it with all contractors and subcontractors.

(g) Specific and constant personal (both written and oral) recruitment efforts directed at all minority organizations, schools with minority students, minority recruitment organizations and minority training organizations, within the contractor's or union's recruitment area.

(h) Specific efforts to encourage present minority employees or members to recruit their friends and relatives.

(i) Validation of all man specifications, selection requirements, tests, etc.

(j) Making every effort to provide after-school, summer, and vacation employment to minority youths.

(k) Where reasonable, the development of on-the-job training opportunities and participation and assistance in any association or group training programs relevant to the contractor's or unions needs.

(l) Continuing inventory and evaluation of all minority personnel or members for promotional opportunities and encouragement of minority employees or members to seek such opportunities.

(m) Assuring that seniority practices, job classifications, etc., do not have a discriminatory effect.

(n) Assuring that all facilities and activities are non-segregated.

(o) Continual monitoring of all personnel activities to insure that its EEO policy is being carried out.

(p) The contractor shall solicit bids for subcontracts from available minority subcontractors with the trades covered by this Appendix, including circulation of minority contractor associations.

6. Each agency shall review contractors' and subcontractors' employment practices during the performance of the contract. If the contractor or subcontractor meets its goals or if the contractor or subcontractor can demonstrate that it or the labor union described in 2(c) above has made every good faith effort to meet those goals, the contractor shall be presumed to be in compliance with Executive Order 11246, the implementing regulations and its obligations under this appendix and no formal sanctions or proceedings leading toward sanctions shall be instituted unless the agency otherwise determines that the contractor or subcontractor is not providing equal employment opportunities. Where the agency finds that the contractor or subcontractor has failed to comply with the requirements of Executive Order 11246, the implementing regulations and its obligations under its appendix, the agency shall take such action and impose such sanctions as may be appropriate under the Executive order and the regulations. When the agency proceeds with formal action, it has the burden of proving that the contractor has not met the requirements of this appendix, but the contractor's failure to meet his goals shall shift to him the requirement to come forward with evidence to show that he or his labor union has met the "good faith" requirements of this appendix. Such noncompliance by the contractor or subcontractor shall be taken into consideration by Federal agencies in determining whether such contractor or subcontractor can comply with the requirements of Executive Order 11246 and is therefore a "responsible prospective contractor" within the meaning of the Federal procurement regulations.

7. Except as provided herein, it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees. Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act, as amended, and title VII of the Civil Rights Act of 1964. It is the long-standing uniform policy of OFCC that contractors and subcontractors have a responsibility to provide equal employment opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to a labor organization which does not meet the criteria prescribed in 5 above and they are, thus, prevented from meeting the obligations pursuant to Executive Order 11246, as amended, such contractors cannot be considered to be in compliance with Executive Order 11246, as amended, or the implementing rules, regulations, and orders.

8. All prime contractors and subcontractors shall include in all bid invitations or other prebid communications, written or otherwise, with respect to their prospective subcontractors, the goals, as applicable, which are required under this appendix. Whenever a prime contractor or subcontractor subcontracts a portion of the work in any trade designated herein, he shall include in such subcontract his commitment made under this appendix, as applicable, which shall be adopted by his subcontractor, who shall be bound thereby and by this appendix to the full extent as if he were the prime contractor. The prime contractor shall not be accountable for the failure of his subcontractor to fulfill his requirements. However the prime contractor or subcontractor shall give notice to the Area Coordinator of the Office of Federal Contract Compliance of the Department of Labor and the contracting agency of any refusal or failure of any subcontractor to fulfill his obligations under this appendix. Failure of compliance by any subcontractor will be treated in the same manner as such failure by the prime contractor.

9. Contractors and subcontractors must keep such records and file such reports relating to the provisions of this appendix as shall be required by the contracting or administering agency.

10. Nothing in this appendix shall be interpreted to diminish the responsibilities of the contracting and administering agencies nor the obligations of contractors or subcontractors pursuant to Executive Order 11246 for those trades and those contracts not covered by this appendix.

11. The procedures set forth in this appendix shall not apply to any contract when the head of the contracting or administering agency determines that such contract is essential to the national security and that its award without following such procedure is necessary to the national security. Upon making such a determination, the agency head will notify, in writing, the Director of the Office of Federal Contract Compliance within 30 days.

12. Nothing in this appendix shall be interpreted to diminish the present contract compliance review and complaint programs.

13. Requests for exemptions from this appendix must be made in writing, with justification, to the Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, and shall be forwarded through and with the endorsement of the agency head.

14. This appendix shall be signed in the space provided below.

(Bidder)

---------- By: ----------

(Date)

Signed at Washington, D.C., this 18th day of June 1971.

J. D. HODGSON,
Secretary of Labor.

ARTHUR A. FLETCHER,
Assistant Secretary for Employment Standards.

JOHN L. WILKS,
Director, Office of Federal Contract Compliance.

[FR Doc.71-9002 Filed 6-24-71;8:51 am]

Chapter 114—Department of the Interior

PART 114-26—PROCUREMENT SOURCES AND PROGRAMS

U.S. Government National Credit Card

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 (Supp. V, 1965–1969) and section 205(c), 63 Stat. 390; 40 U.S.C. 486(c), the following amendments are made to previously published regulations in Chapter 114 of Title 41 of the Code of Federal Regulations.

These amendments shall become effective on the date of publication in the FEDERAL REGISTER (6-25-71).

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

JUNE 18, 1971.

The following amends 41 CFR Part 114-26 as previously published at 36 F.R. 59:

1. Delete the subpart presently shown as follows: "Subpart 114-26.406—U.S. Government National Credit Card for Use in Obtaining Service Station Deliveries and Services" and insert instead "Subpart 114-26.4—Purchase of Items

From Federal Supply Schedule Contractors" in both the table of contents and text.

2. Add § 114–26.406:

§ 114–26.406 U.S. Government National Credit Card for use in obtaining service station deliveries and services.

[FR Doc.71–8961 Filed 6–24–71;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71–626]

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Civil Air Patrol Land Stations

Order. In the matter of amendment of Parts 2 and 87 of the rules concerning authorized power output and types of emissions for Civil Air Patrol land stations, RM 1272.

1. The Civil Air Patrol (CAP) a civilian auxiliary of the U.S. Air Force, has filed a petition for Part 87, Aviation Services, rule changes as follows:

a. Amend § 87.31(b) to permit the immediate use of newly installed land station transmitting equipment pending Commission action on applications for modification of station authorization to show such equipment.

b. Amend § 87.513(h) to allow the use of FM in addition to AM emissions, permit 30 watts of maximum power, and delete the restriction which limits the operational area to the 48 conterminous States thus permitting operations within all 50 States and Possessions, on 143.90 MHz.

c. Amend § 87.513(i) to allow the use of FM in addition to AM emissions on 148.15 MHz.

2. Petitioner asserts that it desires to expedite the conversion to single sideband equipment as well as place in use some narrow band FM equipment that it has the opportunity to acquire free of cost. CAP further asserts the present allowable maximum power of 10 watts is inadequate for its land stations operating on 143.90 MHz and that changed conditions no longer necessitate this power limitation since this frequency, once shared with Government stations, is now used only by CAP. CAP radio operations within a given geographical area shall be restricted to one type of emission only. Since the conditions, which originally necesitated restricting use of 143.90 MHz to the 48 conterminous States, are no longer existent, the CAP affirms that operational authority to utilize this frequency on a U.S. & P. basis will enhance its operational efficiency.

3. CAP is a national organization that participates in relief efforts incidental to disasters and operates with a closed radio system using frequencies made available by the U.S. Air Force. The organization is not required to use type accepted equipment, but must use transmitters that comply with the technical specifications in our rules. Thus, it is not essential to our regulatory functions that transmitters be shown on CAP land station authorizations as is now the practice. The CAP request with respect to being permitted to immediately use newly acquired SSB or FM transmitters (§ 87.31(b)) is reasonable and in the public interest and will be granted. We will provide CAP relief, administratively without rule change, by no longer showing transmitters on CAP land station authorizations granted hereafter, and in the case of stations operated pursuant to outstanding authorizations, CAP is hereby authorized to operate these stations with transmitters other than those shown on the authorization provided that a copy of this order is conspicuously posted at the transmitter location.

4. Since the frequency 143.90 MHz is now used only by CAP there no longer exists a need for a 10-watt power limitation formerly intended to prevent interference with other users of this frequency and the CAP request for change of this power limitation should be granted.

5. Because conditions which required the Commission to restrict CAP's operational use of the frequency 143.90 MHz to the conterminous 48 States, in fact no longer exist, it is felt that the removal of the restriction permitting operations on a U.S. & P. basis, will indeed increase CAP's operational effectiveness.

6. We believe the simultaneous operation of CAP stations in the same area using AM and FM emissions could impair communications because of the incompatible nature of the emissions. National CAP Headquarters, however, has stated that the use of FM by all lower echelons will be firmly controlled by (1) providing that the FM emission will be used only upon specific authority of the national CAP headquarters, (2) forbidding simultaneous use of AM and FM at the same time within a wing, i.e., State area, and (3) forbidding the use of FM in any wing if another wing in an adjacent State, or within communication range, is authorized to use AM emission at the same time on the same frequency. We believe these measures are sufficient to preclude interference or other unsatisfactory complications and the CAP, because of its military organizational structure, can reasonably ensure that the frequencies are used only as proposed.

7. The Interdepartment Radio Advisory Committee (IRAC) has been consulted and interposed no objections to this proposal.

8. In view of the foregoing amendments to footnote US10 to the table of Frequency Allocations, § 2.106, and to §§ 87.67 and 87.513 of the Commission's rules and regulations are found to be desirable and in the public interest. The specific changes are set forth below.

9. The amendments adopted herein pertain to the use of frequencies allocated to the Government and used only by the petitioner. Since users of other frequencies are not affected and we find the amendments to be minor in nature and ones in which the public is not particularly interested, the prior notice and procedure provisions of 5 U.S.C. section 553 are not applicable.

10. In view of the foregoing: *It is ordered,* That pursuant to the authority contained in sections 4(i) and 303(c) (e) (f) and (r) of the Communications Act of 1934 as amended, Parts 2 and 87 of the Commission's rules are amended effective July 1, 1971, as set forth below.

11. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: June 16, 1971.

Released: June 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary

§ 2.106 [Amended]

A. In Part 2, § 2.106, the Table of Frequency Allocations, footnote US10 is amended to read as follows:

US10 The use of frequencies 26.62 MHz, 143.90 MHz, and 148.15 MHz may be authorized to Civil Air Patrol land stations and Civil Air Patrol mobile stations on the condition that harmful interference will not be caused to Government stations.

B. In Part 87, §§ 87.67 and 87.513 are amended as follows:

1. In § 87.67(b)(1), footnote 4 is amended to read as follows:

§ 87.67 Types of emission.

* * * * *

(b) * * *
(1) * * *

[4] Applicable to operational fixed stations in the bands 72.0–73.0 MHz and 75.4–76.0 MHz and to CAP stations using class F3 emissions on 143.9 MHz and 148.15 MHz.

* * * * *

2. In § 87.513 paragraphs (h) and (i) are amended to read as follows:

§ 87.513 Frequencies available.

* * * * *

(h) 143.9 MHz, A1, A2, A3, F3 emission, 30 watts maximum power.

(i) 148.15 MHz, A2, A3, F3 emission, 50 watts maximum power.

[FR Doc.71–9020 Filed 6–24–71;8:53 am]

[Docket No. 17703; FCC 71–606]

USE OF TERTIARY FREQUENCIES

Report and order. In the matter of amendment of the rules in Parts 2, 89, 91, and 93 concerning the use of "tertiary," or 15 kHz channels, in the 150–162 MHz band; amendment of Part 89 to designate frequency 153.740 MHz as available to the Local Government Radio

[1] Commissioner Robert E. Lee absent.

Service; Docket No. 17703, RM-525, RM-811, RM-867.

1. On September 6, 1967, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on September 8, 1967, and published in the FEDERAL REGISTER on September 15, 1967 (32 F.R. 13143). The rule changes proposed in the proceeding stem from petitions filed by the National Committee for Utilities Radio (NCUR), the Yellow Cab Co. of California, and the American Automobile Association, requesting that the 15 kHz splits, known as "tertiary" frequencies, be made available on a regular basis in the Power, Taxicab, and Automobile Emergency Radio Services, rather than a developmental basis.

2. Thirteen comments were timely filed. They are listed in the attached appendix A.[1] No reply comments were received. In reaching our determination all comments have been considered as well as pertinent information available from other sources. All the comments supported the proposal to make the tertiary frequencies available on a regular basis but there were varying opinions about the criteria for making assignments on them.

3. Operation in the 150 MHz band with 15 kHz spacing is possible only if the stations on the adjacent channels are geographically separated. The notice proposed a 15-mile-minimum separation and specifically invited comments as to adequacy and desirability of such a separation. Almost all of the comments objected to a required 15-mile separation; some claiming it was not enough, and others that it was too much or that there should be no specific figure. Those who felt the 15-mile separation excessive, such as the Association of American Railroads, stressed that the present coordination requirements make it unnecessarily restrictive to specify minimum geographical spacing and, that such individual factors as terrain, shielding, directional antenna, power, etc., may permit closer spacing, and thus avoid unnecessary waste of spectrum space. It was also pointed out that many systems in the Public Safety and Land Transportation services have successfully operated with less than 15-mile separations, e.g., the Yellow Cab Co. of California has been operating a system in Los Angeles on three tertiary pairs since September of 1966, without receiving or causing interference to any other station although base stations of other taxicab companies are as close as 9½ miles. Those who believe that a 15-mile separation is not enough, such as Electronic Industries Association (EIA), assert that tertiary interference is more bothersome than cochannel interference; that squelch may not open when the undesired transmitter is on, but when desired transmitter is on, interference will then be heard, thus precluding the ability to monitor; that desensitization occurrences will increase (this manifests itself by causing a receiver to be insensitive to the desired channel while the audio output remains quiet), thus calls are missed without the user knowing. EIA believes that no assignment should be made with less than a 30-mile separation unless field tests are conducted to assure that no harmful interference will be caused.

4. A minimum mileage separation figure provides an area in which there is definite protection from possible interference. As the mileage figure is decreased, the protected area decreases but at the same time the possibility of making tertiary frequency station assignments increases. We have reduced the mileage figure to 10 for Parts 89 and 91 and 7 miles for Part 93. At the same time for Parts 89, 91, and 93 we have included a figure of 35 miles beyond which frequency coordination is not required for 15 kHz frequency separation. In reducing the mileage separation figure from the proposed 15, to 10 and 7, we have taken into account the comments which pointed out the restrictions imposed by larger figures. The mileage figure for Part 93 has been reduced to seven in consideration of the lower level of power allowed under the part.[2] Because of the problems involved in making meaningful on-the-air tests we have not accommodated those comments, such as EIA, proposing that assignments under 30 miles be based on tests. The 35-mile figure has been in use for some time in Part 91 as a maximum distance to require coordination of adjacent frequencies separated by 15 kHz or less and has been found to be satisfactory. With careful intraservice frequency coordination the mileage figures should permit sufficient flexibility to avoid unnecessary waste, unnecessary coordination, and insure full utilization of the limited number of frequencies available. It should be noted that existing assignments, including developmental assignments, which involve geographic separations of less than 10 or 7 miles, as may be applicable, will be permitted to continue operating as licensed and can be renewed on a regular basis for a full 5-year term.

5. The coordination sections in Parts 89, 91, and 93 require interservice coordination if the frequency applied for is 15 kHz removed from a frequency allocated to a different radio service. The responsibility for this interservice coordination rests with the committee representing the applicant's radio service. The coordinator must initiate interservice coordination with all other committees involved and bring to the attention of the applicant and the Commission any unresolved objections to the assignment of the frequency recommended.

6. It was proposed in the notice that the tertiary frequencies would generally be made available to the same radio service to which the adjacent frequencies were allocated; and, where the adjacent frequencies are shared by more than one service, the tertiaries would be shared on the same basis. In a few cases the tertiary was between frequencies allocated to different services and in the notice it was allocated to the service which appeared to have the greatest need. The comments agreed with this approach and we will adopt the allocations as proposed in the appendices of the notice. However, at the request of the Special Industrial Radio Service Association, Inc. (SIRSA), the proposed limitation for the frequency 158.385 MHz will be changed from "itinerant use" to "permanent use." In its comments SIRSA stated that mobile "itinerant use" of this channel would be compatible with the next higher Special Industrial frequency, 158.400 MHz, it would not be so with next lower frequency, 158.370 MHz, assigned to the Petroleum and Forest Products Radio Services. The "permanent use" limitation would permit careful coordination of assignments and avoid interference to other licensees. Additionally, SIRSA believes that there is a greater need for "permanent use" channels.

7. NCUR argued that 158.115 MHz be allocated to the Power Radio Service and the International Taxicab Association requested allocation of the frequency pairs 152.255/157.515 and 152.465/157.725 MHz to the Taxicab Radio Service. The frequency 157.515 MHz is between the Taxicab and Automobile Emergency Radio Services and was proposed to be allocated to the latter. The remaining frequencies are band edges between blocks of frequencies allocated to either the Domestic Public and Land Transportation or Industrial Radio Services or between the Industrial and Land Transportation Radio Services. The allocation of band edges between the Domestic Public and the private land mobile services, as well as tertiary frequencies adjacent to the Business Radio Service, involve additional considerations not developed in our notice proposal including a determination as to how frequency coordination with these activities could be accomplished. Accordingly, we have taken no action in regard to the proposals since they are beyond the scope of this rule making. The frequency 157.515 MHz is within a frequency block allocated to the Land Transportation Radio Service and has been made assignable in the Automobile Emergency Radio Service as was proposed in our notice.

8. No comments were directed to the proposal to make the frequency 153.740 MHz available in the Local Government Radio Service. This allocation has accordingly been finalized as proposed.

9. One other matter remains to be considered. A "Petition for Separate Consideration" in Docket 17703, was filed by the International Taxicab Association on August 13, 1969. The main reason for requesting separate consideration in this proceeding was to permit tertiary assignments in the Taxicab Radio Service at the earliest possible date. ITA felt that technical and operational considerations which might be holding up

[1] Appendix A filed as part of original document.

[2] In the 150 to 162 MHz band the maximum plate power input to the final radio frequency stage permitted is 600 watts for Parts 89 and 91 and 120 watts for Part 93.

action in this docket did not apply to taxicab radio systems for a variety of reasons. However, since action is being taken in this matter the petition is now moot.

10. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Parts 2, 89, 91, and 93 of the Commission's rules are amended as set forth in Appendix B below effective August 6, 1971.

11. *It is further ordered,* That the proceedings in Docket 17703 are hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: June 9, 1971.

Released: June 15, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary

APPENDIX B

PART 2—FREQUENCY ALLOCATION AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

§ 2.106 [Amended]

1. In § 2.106, Table of Frequency Allocations, column 7 with respect to the 154.46–156.25 MHz bands is amended to read as follows:

FEDERAL COMMUNICATIONS COMMISSION

Band (MHz)	Service	Class of Station	Frequency (MHz)	Nature OF SERVICE of stations
7	8	9	10	11
* * *	* * *	* * *	* * *	* * *
154.46–154.6375	LAND MOBILE.	Base. Land Mobile.		INDUSTRIAL (NG57).
154.6375–156.25	LAND. MOBILE.	Base. Land Mobile.		PUBLIC SAFETY.

PART 89—PUBLIC SAFETY RADIO SERVICES

2. In § 89.15, paragraphs (b) and (c) are amended to read as follows:

§ 89.15 Frequency coordination procedures.

* * * * *

(b) A report, based on a field study, indicating the following:

(1) The degree of probable interference to existing stations operating on the same channel within 75 miles of the proposed station and a signed statement that all existing cochannel licensees within 75 miles of the proposed station have been notified of applicant's intention to file his application, and

(2) The degree of probable interference to existing stations located 10 to 35 miles from the proposed station operating on a frequency within 15 kHz and a signed statement that the licensees of all such stations have been notified of applicant's intention to file his application. In no instance will an application be granted where the proposed station is located less than 10 miles from an adjacent-channel station 15 kHz removed.

(c) A statement from a frequency advisory committee recommending the specific frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area or commenting upon the proposed changes in the station. The committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate any contemplated interference. The committee shall not recommend any adjacent-channel frequency (15 kHz removed) to existing stations which would result in a separation of less than 10 miles. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of such committees are purely advisory in character, and their recommendations cannot be considered as binding upon either the applicant or the Commission and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications. Where the frequency or frequencies requested or assigned are within 15 kHz of a frequency which is available to another radio service, and is assignable only after coordination, the committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

* * * * *

3. In § 89.101, the introductory text in paragraph (f) is amended to read as follows:

§ 89.101 Frequencies.

* * * * *

(f) The frequency band 159.4725 to 159.480 MHz may be authorized for developmental operation to any eligible applicant in the Public Safety Radio Services for narrow band systems only: *Provided,* That:

[3] Commissioners Burch, Chairman; Robert E. Lee and Houser absent.

4. Section 89.259(f) is amended by adding the following entry in the tabulation of frequencies between the entries 72.00 to 76.00 and 153.755:

§ 89.259 Frequencies available to the Local Government Radio Service.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
153.545	do	34
153.560	do	9, 10
153.575	do	34
153.605	do	34
153.620	do	9, 10
153.635	do	34
153.665	do	34
153.680	do	9, 10
* * *	* * *	* * *
158.145	Base or mobile	35
158.160	do	10, 15
158.175	do	35
158.205	do	35
158.220	do	10, 15
158.235	do	35
158.265	do	35
158.280	do	11
158.295	do	11
158.310	do	11
158.325	do	11
158.355	do	10
158.370	do	10
158.415	do	11
158.430	do	11
* * *	* * *	* * *

* * * * *

PART 91—INDUSTRIAL RADIO SERVICES

5. In § 91.8(a), subparagraphs (2) and (3) are amended to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(2) A report, based on a field study, indicating the following:

(i) The degree of probable interference to existing stations operating on the same channel within 75 miles of the proposed station and a signed statement that all existing co-channel licensees within 75 miles of the proposed station have been notified of applicant's intention to file his application, and

(ii) The degree of probable interference to existing stations located 10 to 35 miles from the proposed station operating on a frequency within 15 kHz and a signed statement that the licensees of all such stations have been notified of applicant's intention to file his application. In no instance will an application be granted where the proposed station is located less than 10 miles from an adjacent-channel station 15 kHz removed.

(3) A statement from a frequency advisory committee recommending the specific frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area or commenting upon the proposed changes in the station. The committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate any contemplated interference. The committee shall not recommend any adjacent-channel frequency (15 kHz removed) to existing stations which would result in a separation of less than

10 miles. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of such committees are purely advisory in character, and their recommendations cannot be considered as binding upon either the applicant or the Commission, and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications. Where the frequency or frequencies requested or assigned are within 15 kHz of a frequency which is available to another radio service, and is assignable only after coordination, the Committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

* * * * *

6. Section 91.254 is amended by deleting from the tabulation of frequencies in paragraph (a), entries beginning 153.41 and ending 153.71 and substituting frequencies 153.410 through 153.725; deleting entries beginning 158.13 and ending 158.25 and substituting frequencies 158.130 through 158.265; and, amending paragraph (b) by adding new subparagraphs (33) and (34), as follows:

§ 91.254 Frequencies available.

(a) * * *

POWER RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
153.410	Base or mobile	
153.425	do	34
153.440	do	11
153.455	do	34
153.470	do	
153.485	do	34
153.500	do	11
153.515	do	34
153.530	do	
153.545	do	34
153.560	do	11
153.575	do	34
153.590	do	
153.605	do	34
153.620	do	11
153.635	do	34
153.650	do	
153.665	do	34
153.680	do	11
153.695	do	
153.710	do	
153.725	do	
* * *	* * *	* * *
158.130	do	
158.145	do	33
158.160	do	12
158.175	do	33
158.190	do	
158.205	do	33
158.220	do	12
158.235	do	33
158.250	do	
158.265	do	33
* * *	* * *	* * *

(b) * * *

(33) This frequency is shared with Forest Products and Petroleum Radio Services in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

(34) This frequency is shared with Forest Products and Petroleum Radio Services in the States of Arkansas, Louisiana, Oklahoma, and Texas.

7. Section 91.304 is amended by deleting from the tabulation of frequencies in paragraph (a), entries beginning 153.05 and ending 153.68, and substituting 153.035 through 153.680; deleting entries beginning 158.16 and ending 158.43, and substituting frequencies 158.145 through 158.430, and amending paragraph (b) by adding new subparagraphs (34) and (35) as follows:

§ 91.304 Frequencies available.

(a) * * *

PETROLEUM RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
153.035	Base or mobile	11
153.050	do	11
153.065	do	11
153.080	do	11
153.095	do	11
153.110	do	11
153.125	do	11
153.140	do	11
153.155	do	11
153.170	do	11
153.185	do	11
153.200	do	11
153.215	do	11
153.230	do	11
153.245	do	11
153.260	do	11
153.275	do	11
153.290	do	11
153.305	do	11
153.320	do	11
153.335	do	11
153.350	do	11
153.365	do	11
153.380	do	11
153.395	do	11
153.425	do	34
153.440	do	9,10
153.455	do	34
153.485	do	34
153.500	do	9,10
153.515	do	34

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
153.740	Mobile	
* * *	* * *	* * *

(b) * * *

(34) This frequency is shared with Power and Forest Products Radio Services and is available only in the States of Arkansas, Louisiana, Oklahoma, and Texas.

(35) This frequency is shared with Power and Forest Products Radio Services and is available only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

8. Section 91.354 is amended by deleting from the tabulation of frequencies in paragraph (a), entries beginning 153.05 and ending 153.68, and substituting frequencies 153.050 through 153.680; deleting entries beginning 158.16 and ending 158.43, and substituting the frequencies 158.145 through 158.430, and amending paragraph (b) by adding new subparagraphs (28) and (34) as follows:

§ 91.354 Frequencies available.

(a) * * *

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
153.050	Base or mobile	13
153.065	do	13
153.080	do	13
153.095	do	13
153.110	do	13
153.125	do	13
153.140	do	13
153.155	do	13
153.170	do	13
153.185	do	13
153.200	do	13
153.215	do	13
153.230	do	13
153.245	do	13
153.260	do	13
153.275	do	13
153.290	do	13
153.305	do	13
153.320	do	13
153.335	do	13
153.350	do	13
153.365	do	13
153.380	do	13
153.395	do	13
153.425	do	28
153.440	do	9,11
153.455	do	28
153.485	do	28
153.500	do	9,11
153.515	do	28
153.545	do	28
153.560	do	9,11
153.575	do	28
153.605	do	28
153.620	do	9,11
153.635	do	28
153.665	do	28
153.680	do	9,11
* * *	* * *	* * *
158.145	Base or mobile	34
158.160	do	11,16
158.175	do	34
158.205	do	34
158.220	do	11,16
158.235	do	34
158.265	do	34
158.280	do	13
158.295	do	13
158.310	do	11
158.325	do	13
158.355	do	11
158.370	do	11
158.415	do	13
158.430	do	13
* * *	* * *	* * *

(b) * * *

(28) This frequency is shared with the Power and Petroleum Radio Services and is available only in the States of Arkansas, Louisiana, Oklahoma, and Texas.

* * * * *

(34) This frequency is shared with Power and Petroleum Radio Services and is available only in the States of Arkansas, Louisiana, Oklahoma, Oregon, Texas, and Washington.

9. Section 91.504 is amended by deleting from the tabulation in paragraph (a) entries beginning 151.535 and ending 151.595, and substituting frequencies 151.520 through 151.595; deleting entries beginning 152.87 and ending 153.02, and substituting frequencies 152.870 through 153.035; deleting entries beginning 158.40 and ending 158.40 and substituting frequencies 158.385 and 158.400, as follows:

§ 91.504 Frequencies available.

(a) * * *

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY

Frequency or band	Class of station(s)	General reference	Limitations
MHz			
* * *	* * *	* * *	* * *
151.520	Base or mobile	Permanent use	11
151.535	do	do	11
151.550	do	do	11
151.565	do	do	11
151.580	do	do	11
151.595	do	do	11
* * *	* * *	* * *	* * *
152.870	Base or mobile	General use	13
152.885	do	Permanent use	11
152.900	do	do	11, 13
152.915	do	do	11
152.930	do	do	11, 13
152.945	do	do	11
152.960	do	do	11, 13
152.975	do	do	11
152.990	do	do	11, 13
153.005	do	do	11
153.020	do	do	11, 13
153.035	do	do	11
* * *	* * *	* * *	* * *
158.385	Base or mobile	Permanent use	11
158.400	do	Itinerant use	12
* * *	* * *	* * *	* * *

* * * * *

10. Section 91.554 is amended by deleting from the tabulation of frequencies in paragraph (a), entries beginning 154.540 and ending 154.600, and substituting frequencies 154.515 through 154.625; and adding a new subparagraph (47) to paragraph (b), as follows:

§ 91.554 Frequencies available.

(a) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band *MHz*	Class of station(s)	General reference	Limitations
* * *	* * *	* * *	* * *
154-515	Base or mobile	Permanent use	10, 11
154-540	do	do	10, 11
154-570	Mobile	Low power general use	13, 14
154-600	do	do	13, 14
154-625	Base	One-way paging	47
* * *	* * *	* * *	* * *

(b) * * *

(47) This frequency will be assigned only for the specific purpose of one-way tone or voice paging. The plate power input to the final radio frequency stage shall not exceed 30 watts.

* * * * *

11. Section 91.730 is amended by deleting from the tabulation of frequencies in paragraph (a) entries beginning 153.05 and ending 153.38, and substituting frequencies 153.050 through 153.395; deleting entries beginning 158.28 and ending 158.43 and substituting frequencies 158.280 through 158.430, as follows:

§ 91.730 Frequencies available.

(a) * * *

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
153.050	Base or mobile	1
153.065	do	1
153.080	do	1
153.095	do	1
153.110	do	1
153.125	do	1
153.140	do	1
153.155	do	1
153.170	do	1
153.185	do	1
153.200	do	1
153.215	do	1
153.230	do	1
153.245	do	1
153.260	do	1
153.275	do	1

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE—Continued

Frequency or band	Class of station(s)	Limitations
153.290	do	1
153.305	do	1
153.320	do	1
153.335	do	1
153.350	do	1
153.365	do	1
153.380	do	1
153.395	do	1
* * *	* * *	* * *
158.280	Base or mobile	1
158.295	do	1
158.310	do	1
158.325	do	1
158.415	do	1
158.430	do	1
* * *	* * *	* * *

* * * * *

PART 93—LAND TRANSPORTATION RADIO SERVICES

12. In § 93.8, the text of paragraphs (f) and (g) are deleted and the word "reserved" is substituted.

§ 93.8 Policy governing the assignment of frequencies.

* * * * *

(f) [Deleted]

(g) [Deleted]

* * * * *

13. In § 93.9(a) the introductory text is changed by substituting a period for the colon at the end of the text and adding a new sentence; also new sentences are added to subparagraphs (2), (3), and (4), as follows:

§ 93.9 Frequency coordination.

(a) * * * In no instance will an application be granted where the proposed station is located less than 7 miles from an adjacent-channel station 15 kHz removed.

* * * * *

(2) * * * In the case of existing stations operating on channels 15 kHz removed from the frequency used or proposed to be used by the applicant, those stations need not be notified that are greater than 35 miles from the proposed station location.

(3) * * * Where the frequency or frequencies requested or assigned are within 15 kHz of a frequency which is available to another radio service, and is assignable only after coordination, the committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished. Coordination need not be accomplished to cover existing stations operating on channels 15 kHz removed from the frequency used or proposed to be used by the applicant if the stations are greater than 35 miles from the proposed station location.

(4) * * * Where the frequency or frequecies requested or assigned are within 15 kHz of a frequency which is available to another radio service, and is assignable only after coordination, the committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished. Coordination need not be accomplished to cover existing stations operating on channels 15 kHz removed from the frequency used or proposed to be used by the applicant if the stations are greater than 35 miles from the proposed station location.

* * * * *

§ 93.252 [Amended]

14. In § 93.252, paragraph (c) is amended by deleting footnote 1.

§ 93.352 [Amended]

15. In § 93.352, paragraph (a) is amended by deleting the text of footnote 1, and substituting the word "Reserved."

16. Section 93.402(b) is amended by deleting the frequency tabulation and footnotes and substituting the following:

§ 93.402 Frequencies below 952 MHz available for base and mobile stations.

* * * * *

(b) * * *

Base and Mobile MHz	*Mobile Only MHz*
152.270	157.530
152.285 [1]	157.545 [1]
152.300 [1]	157.560 [1]
152.315 [1]	157.575 [1]
152.330	157.590
152.345 [1]	157.605 [1]
152.360 [1]	157.620 [1]
152.375 [1]	157.635 [1]
152.390	157.650
152.405 [1]	157.665 [1]
152.420 [1]	157.680 [1]
152.435 [1]	157.695 [1]
152.450	157.710

[1] These frequencies are available only for assignment to Base or Mobile Stations operating wholly within Standard Metropolitan Areas having 50,000 or more population.

17. In § 93.503, the frequency tabulations in paragraphs (a), (b), (c), and (d) are amended by deleting the word frequencies where it appears in the headings, deleting the footnote in paragraph (a), and adding new frequencies as follows:

§ 93.503 Frequencies below 952 MHz available for base and mobile stations.

(a) * * *

MHz
157.470
157.485
157.500
157.515

* * * * *

(b) * * *

MHz
452.525
452.550
452.575
452.600

(c) * * *

MHz
150.905
150.920
150.935
150.950
150.965

(d) * * *

MHz
150.815
150.830
150.845
150.860
150.875
150.890

[FR Doc.71-8909 Filed 6-24-71;8:45 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1042, Amdt. 4]

PART 1033—CAR SERVICE

Chicago and North Western Railway Co. Authorized To Operate Over Tracks of Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of June 1971.

Upon further consideration of Service Order No. 1042 (35 F.R. 10150, 15394, 19753, 36 F.R. 5979), and good cause appearing therefor:

It is ordered, That § 1033.1042 *Service Order No. 1042* (Chicago and North Western Railway Co. authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Co.) be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9017 Filed 6-24-71;8:52 am]

[Rev. S.O. 1046, Amdt. 2]

PART 1033—CAR SERVICE

Burlington Northern, Inc., et al. Authorized To Operate Over Tracks of Peoria and Pekin Union Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of June 1971.

Upon further consideration of Revised Service Order No. 1046 (35 F.R. 1301; 36 F.R. 773) and good cause appearing therefor:

It is ordered, That § 1033.1046 *Service Order No. 1046* (Burlington Northern, Inc., Chicago, Rock Island and Pacific Railroad Co., and Toledo, Peoria & Western Railroad Co. authorized to operate over tracks of the Peoria and Pekin Union Railway Co.) be, and it is hereby amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspension by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9011 Filed 6-24-71;8:52 am]

[S.O. 1070, Amdt. 1]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co. Authorized To Operate Over Tracks of Chicago and North Western Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 21st day of June 1971.

Upon further consideration of Service Order No. 1070 (36 F.R. 7507), and good cause appearing therefor:

It is ordered, That § 1033.1070 *Service Order No. 1070* (Chicago, Rock Island and Pacific Railroad Co. authorized to operate over tracks of the Chicago and North Western Railway Co.) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., June 30, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9010 Filed 6-24-71;8:52 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Part 225a]

OUTER CONTINENTAL SHELF ROYALTY OIL

Disposal

Pursuant to the authority contained in section 5(a)(1) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 464), it is proposed to issue regulations governing the sale of royalty are produced from the Outer Continental Shelf (OCS) under oil and gas leases issued or maintained under that Act.

Under regulations contained in 30 CFR Part 225, Government royalty oil produced under most Federal oil and gas leases onshore currently is being made available to small business enterprise refiners who are unable to purchase in the open market an adequate supply of crude oil to meet the needs of the existing capacity of their refineries. The purpose of the new regulations now proposed is to establish a procedure under which OCS royalty oil also may be made available to such refiners.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments suggestions, or objections with respect to the proposed regulations to the Director, U.S. Geological Survey, Washington, D.C. 20242, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

The proposed regulations read as follows:

PART 225a—DISPOSAL OF OCS ROYALTY OIL

Sec.

§ 225a.1 Statutory authority.

(a) Section 5 of the Outer Continental Shelf Lands Act of August 7, 1953 (43 U.S.C. sec. 1334), authorizes the Secretary of the Interior to sell royalty oil accruing or reserved to the United States under oil and gas leases issued pursuant to that Act.

(b) Section 2 of the Small Business Act (15 U.S.C. sec. 613) declares that it is the policy of Congress that Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise and to insure that a fair proportion of the total sales of Government property be made to such enterprises.

(c) Section 8 of the Small Business Act (30 U.S.C. sec 637) provides that the Small Business Administration shall consult and cooperate with officers of the Government having property disposal powers in order to utilize the potential productive capacity of plants operated by small-business concerns. That section also provides that the Small Business Administration shall determine within any industry the concerns, firms, persons, corporations, partnerships, cooperatives, or other business enterprises which are to be designated "small-business concerns" for the purpose of that Act. That section also provides that the Small Business Administration shall consult and cooperate with all Government agencies for the purpose of insuring that small-business concerns shall receive fair and reasonable treatment from such agencies.

§ 225a.2 Definitions.

The following definitions shall be applicable to the regulations in this part:

(a) "Small refiner" means an owner of an existing refinery or refineries (including refineries not in operation) who qualifies as a small-business concern under the rules of the Small Business Administration and who is unable to purchase in the open market an adequate supply of crude oil to meet the needs of their existing refinery capacities.

(b) "Secretary" means the Secretary of the Interior.

(c) "Director" means the Director, Geological Survey.

(d) "Supervisor" means the Regional Oil and Gas Supervisor of the Geological Survey authorized and empowered to regulate oil and gas operations and to perform other duties prescribed in the regulations under Part 250 of this chapter.

(e) "Region" means the area over which a supervisor is authorized to exercise supervisory jurisdiction.

(f) "Section 6 lease" means an oil and gas lease originally issued by any State and currently maintained in effect pursuant to section 6 of the Outer Continental Shelf Lands Act (43 U.S.C. sec. 1335).

(g) "Section 8 lease" means an oil and gas lease issued by the United States pursuant to section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. sec. 1337).

(h) "OCS royalty oil" means the Government's royalty portion of oil produced under section 6 or section 8 leases when royalty on oil is paid in kind or taken in kind or is being considered for such payment or taking.

(i) "Market price" means (1) the highest price per barrel regularly posted, published, or generally paid, or offered, by any principal purchaser of crude oil of like quality in the field where produced, or (2) if there are no postings in the field, the highest price posted in the nearest field where crude oil of comparable quality is produced and sold, or (3) the true value as determined by the Supervisor when in his judgment such highest price regularly posted, published, or generally paid or offered in the same field or the nearest field is found by him to be less than the true value of the royalty oil. In no event shall the "market price" be less than the estimated reasonable value which the Supervisor would determine as the value of production, pursuant to § 250.64 of this chapter, if royalties on the production in question were being paid in money by the lessee rather than being paid or taken in kind.

(j) "Point of delivery" means the point at which the ownership of the OCS royalty oil is transferred from the Government to the purchaser. Protection of the OCS royalty oil before it reaches the point of delivery is the responsibility of the lessee.

§ 225a.3 Policy.

Except in times of general unavailability of an adequate supply of crude oil in the United States, or when special circumstances warrant other action, as determined by the Secretary, OCS royalty oil available for disposal will be sold in accordance with the regulations in this part. As an aid to small-business concerns, OCS royalty oil will be sold only to small refiners for use in their refiners and not for resale in kind, and all such sales will be made at the market price without premium or bonus; however, a charge for cost of administration of an amount equal to 1 percent of the market price will be made for each barrel of OCS royalty oil sold. When applications are filed by two or more small refiners for the same oil, the oil will be allocated among such applicants by a drawing or on an equitable prorated basis as determined by the Supervisor prior to execution of contracts for sale of such oil. OCS royalty oil produced under a section 6 lease may be made available for disposal only when the lessee or operator under the lease involved elects to pay royalty in kind to the Secretary. OCS royalty oil produced from areas for which ownership is in dispute between the Federal Government and a State may be made available for disposal only with the concurrence of that State, with evidence of such concurrence to be furnished by the applicant. The sum of the volumes of OCS royalty oil purchased pursuant to the regulations in this part and Government

royalty oil purchased pursuant to Part 225 of this chapter by any one small refiner shall not exceed 60 percent of the combined refinery capacity of that small refiner at the time when application is made for the oil.

§ 225a.4 Reimbursement to lessee for transportation.

When the point of delivery for OCS royalty oil produced under a section 8 lease is to be other than on or immediately adjacent to the leased area, the purchaser shall promptly reimburse the lessee or operator for the cost of transporting the oil to the point of delivery. Such reimbursement shall be monthly or at such other interval as may be designated by the Supervisor. Cost of transportation must be approved by the Supervisor and may be deducted from the value of the oil at the point of delivery in calculating payments to be made to the Government. The Government guarantees payment to the lessee or operator for such cost of transportation.

§ 225a.5 Exchange agreements.

Agreements providing for the exchange of OCS royalty oil purchased under these regulations for other crude oil on a volume or equivalent value basis will not be construed as constituting a resale in kind prohibited by § 225a.3. Where an exchange agreement has been entered into or is contemplated with regard to OCS royalty oil available for disposal, full information relative thereto must be furnished either at the time of filing application to purchase the OCS royalty oil or at such later date as may be specified by the Supervisor.

§ 225a.6 Application; contents.

A small refiner may file an application with the Supervisor of the Region in which the oil is produced. Such application shall be filed in triplicate and must be accompanied by a detailed statement containing the following information:

(a) The full name and address of the applicant; the location of his refinery or refineries; a complete disclosure of applicant's affiliation or association with any other refiner of oil if such relationship exists; and reasons for believing that applicant qualifies as a small refiner, including a full showing of efforts made to purchase the needed oil in the open market.

(b) The capacity of the refinery to be supplied and the amount, source, and grade of all crude oil currently available to the applicant refiner from his own production or by purchase.

(c) The minimum amount and grade of additional crude oil needed to meet existing refinery commitments or existing refinery capacity and the field or fields which the refiner believes offer a potential source of OCS royalty oil supply.

(d) The available transportation facilities which the applicant proposes to utilize. For OCS royalty oil produced under section 8 leases issued prior to October 1969, this should include the proposed point of delivery as obtained from the lessee or operator.

(e) The amount of any cost to be paid by the applicant for transporting OCS royalty oil to the point of delivery.

(f) A tabulation for the last 12 months of operation of the amount and grade of crude oil refined each month, and the kind and amount of the principal finished products.

§ 225a.7 Action by the Supervisor.

The Supervisor shall examine each application filed pursuant to this part and where he finds that the showing submitted is inadequate or unsatisfactory, such additional showing shall be required as may be deemed necessary. In his discretion, he may notify the lessees or operators of the OCS oil and gas leases involved and the then purchaser or purchasers of the oil, of his receipt of the application and allow them not more than 30 days within which to submit comments. When OCS royalty oil is available for disposal in his Region, the Supervisor, in his discretion, also may notify the public (including various refining associations) of his receipt of the application and may make inquiries of other small refiners as to their interest in filing applications to purchase OCS royalty oil when he has reason to believe they may be interested in filing applications to purchase such oil. Thereafter, he shall make appropriate recommendations for consideration by the Director and the Secretary.

§ 225a.8 Action by the Secretary.

When the Secretary makes a decision to sell OCS royalty oil from any given Region, he shall specify or approve the manner in which the sale is to be effected, including the form of contract to be used. At such time, he may authorize the Supervisor or another official of the Geological Survey to execute the contract, or contracts, of sale on behalf of the United States, to approve exchange agreements, and to determine the amount and type of bond or other security to be required from the purchaser under such contract or contracts.

§ 225a.9 Notices.

Prior to any requirement that OCS royalty oil be delivered in kind under section 8 leases, the Supervisor shall notify each lessee or operator under the OCS oil and gas leases involved of the requirement at least 30 days in advance of the effective date of that requirement; where it is determined to terminate the delivery of OCS royalty oil in kind, the Supervisor shall, if practicable in his opinion, give any affected lessee or operator notice of the change in requirements at least 30 days in advance.

Dated: June 18, 1971.

W. T. PECORA,
Acting Secretary of the Interior.

[FR Doc.71-9001 Filed 6-24-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Approval of Expenses and Fixing of Rate of Assessment for Initial Fiscal Year

Consideration is being given to the following proposals submitted by the Papaya Administrative Committee, established under the marketing agreement, and Order No. 928 (7 CFR Part 928; 36 F.R. 8925), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses which are reasonable and likely to be incurred by the Papaya Administrative Committee, during the period May 15, 1971, through December 31, 1971, will amount to $81,250.

(b) That there be fixed, at 6½ mills ($0.0065) per pound of papayas, the rate of assessment payable by each handler in accordance with § 928.41 of the aforesaid marketing agreement and order during the fiscal year beginning May 15, 1971.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: June 21, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-8983 Filed 6-24-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

SACCHARIN AND ITS SALTS

Removal From Generally Recognized as Safe List; Provisional Regulation Prescribing Conditions of Safe Use

The Food and Drug Administration is conducting a comprehensive study of

the individual substances listed in § 121.101 *Substances that are generally recognized as safe* (GRAS) of the food additive regulations (21 CFR 121.101).

Saccharin and its salts are listed as GRAS in § 121.101(d)(4) without limitations under "Nonnutritive Sweeteners." At the request of the Commissioner of Food and Drugs, the National Academy of Sciences-National Research Council has reviewed the available information on these substances and concludes (1) that in the interest of safety, limitations on daily intake should be established and (2) that an intake of up to 15 milligrams per kilogram of body weight per day would not constitute an appreciable hazard. This is equivalent to 1 gram per day for an adult weighing approximately 155 pounds. The Academy recommends additional tests and a review of the conclusion of safety after their completion. Feeding studies are currently underway in several laboratories.

The Commissioner concludes that the public health will be adequately protected by removing saccharin and its salts from the GRAS list in § 121.101 and permitting their continued use within limitations, while said tests are being completed, by establishing their conditions of safe use in a new provisional regulation. The establishment of limitations as proposed below is in accordance with the NAS-NRC conclusions and recommendations as accepted by FDA. This proposed action does not represent a new assessment of safety pending receipt of information now being gathered.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1784, 1787; 21 U.S.C. 321(s), 348(d), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended:

§ 121.101 [Amended]

1. In § 121.101(d) by deleting subparagraph (4).

2. By adding a new Subpart H containing a new section, as follows:

Subpart H—Provisional Food Additive Regulations

§ 121.4001 Saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin.

The food additives saccharin, ammonium saccharin, calcium saccharin, and sodium saccharin may be safely used as sweetening agents in food in accordance with the following conditions if the substitution for nutritive sweeteners results in a significant reduction in caloric value of the food:

(a) Saccharin is the chemical 1,2-benzisothiazolin - 3 - one - 1,1 - dioxide ($C_7H_5NO_3S$). The named salts of saccharin are produced by the additional neutralization of saccharin with the proper base to yield the desired salt.

(b) The food additives meet the specifications of the "Food Chemicals Codex."

(c) Authority for such use shall expire June 30, 1973, unless revised sooner.

(d) The additives are used or intended for use as a sweetening agent:

(1) In beverages and fruit juice drinks whereby the maximum amount of the additive, calculated as saccharin, does not exceed 12 milligrams per fluid ounce when used as the only sweetening agent and does not exceed 7 milligrams per fluid ounce when used in combination with other sweetening agents.

(2) In sugar substitutes for table use whereby the maximum amount of the additive, calculated as saccharin, does not exceed 40 milligrams per serving (alone or in any mixture) equivalent to 2 teaspoonfuls of sugar.

(3) In processed foods whereby the maximum amount of the additive, calculated as saccharin, does not exceed 30 milligrams per serving.

(e) To assure safe use of the additives, in addition to the other information required by the act:

(1) The label of the additive and any intermediate mixes of the additive for manufacturing purposes shall bear:

(i) The name of the additive.

(ii) A statement of the concentration of the additive, expressed as saccharin, in any intermediate mix.

(iii) Adequate directions for use to provide a final food product that complies with the limitations prescribed in paragraph (d) of this section.

(2) The label of any finished food containing the additive shall bear a statement of the amount of saccharin contained therein in milligrams per serving, or per fluid ounce in the case of beverages, and such other labeling as required by Part 125 or § 3.72 of this chapter.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: June 18, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-8975 Filed 6-24-71;8:49 am]

Office of Education

[45 CFR Part 177]

FEDERAL, STATE, AND PRIVATE PROGRAMS OF LOW-INTEREST LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Notice of Proposed Rule Making

Notice is hereby given in accordance with 5 U.S.C. 553 to eligible institutions, eligible lenders, and other interested parties that the U.S. Commissioner of Education, pursuant to the authority vested in him under section 432(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1082(a)(1)) proposes to amend § 177.6 of Title 45 of the Code of Federal Regulations by revising paragraph (e), which deals with discounting, payment of premiums and cost to the student. Paragraph (e) presently prohibits, inter alia, payment of points, premiums, or additional interest of any kind of any eligible lender in order to secure funds for making loans to students or to induce a lender to make loans to the students of a particular institution or any particular category of students. The proposed revision would delete that portion of the ban dealing with the securing of funds to make loans to students and would permit educational institutions to maintain account relationships with eligible lenders as a condition of the lenders' making guaranteed loans to the students of such educational institutions. In addition, the revised regulation would explicitly prohibit a school from (1) paying the cost of servicing guaranteed loans evidenced by notes not held by it and (2) entering into a tie-in arrangement which combines an agreement by the school to purchase services from a lending institution, such as billing services on guaranteed loans, with an agreement by the lending institution to make loans to the students of that school.

Interested persons are invited to submit written comment, suggestions or objections regarding the proposed amendments to Insured Loans Branch, DSFA, U.S. Office of Education, BHE, Washington, D.C. 20202, within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Comments received will be available for public inspection in the office of the Acting Deputy Associate Commissioner for Higher Education, Room 4905, Regional Office Building No. 3, Seventh and D Streets SW., Washington, DC, between the hours of 8 a.m. and 4:30 p.m.

In its revised form, § 177.6(e) would read as follows:

§ 177.6 Permissible charges.

* * * * *

(e) Discounting, payment of premiums; cost to the student:

(1) No points, premiums, or additional interest of any kind may be paid to any eligible lender to induce such a lender to make loans to the students of a particular institution or any particular category of students and, except in circumstances approved by the Commissioner, notes (or any interest in notes) evidencing loans made by educational institutions shall not be sold or otherwise transferred at discount. The maintenance by an educational institution of an account relationship with an eligible lender as a condition of the lender's making guaranteed loans to students of that institution will not be considered to constitute the payment of points or premiums. The payment by an institution of charges for the servicing of outstanding guaranteed loans not held by the institution will be considered to be either a prohibited payment of points or premiums in order to induce such loans or, where accompanied by the transfer of notes evidencing such loans, a prohibited

sale of such notes at discount. Payment of charges for the servicing of loans held by the institution will be considered a prohibited payment of points or premiums if the recipient of such payment makes or has agreed to make guaranteed loans conditioned on its receipt.

(2) In no event may the costs of making a loan under this part (except those specifically provided for in this section) be passed on (in the form of higher tuition charges or otherwise) to the borrower.

Dated: June 1, 1971.

PETER P. MUIRHEAD,
Executive Deputy Commissioner of Education.

Approved: June 17, 1971.

JOHN G. VENEMAN,
Acting Secretary.

[FR Doc.71-8998 Filed 6-24-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SO-118]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gulfport, Miss., control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Gulfport control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of Gulfport Municipal Airport (lat. 30°24'27.5" N., long. 89°04'05" W.); within 3 miles each side of Gulfport VORTAC 050°, 213°, and 325° radials, extending from the 5-mile-radius zone to 8.5 miles northeast, southeast, and northwest of the VORTAC; within 5 miles each side of Gulfport VORTAC 129° radial, extending from the 5-mile-radius zone to 11.5 miles southeast of the VORTAC; excluding the portion within the Biloxi, Miss., control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the revised VOR RWY-31 Standard Instrument Approach Procedure to the Gulfport Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on June 16, 1971.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.71-8967 Filed 6-24-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-67]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Toughkenamon, Pa., transition area.

A new VOR RWY 24 instrument approach procedure to The New Garden Flying Field, Toughkenamon, Pa., requires the designation of a 700-foot floor transition area to provide controlled airspace for aircraft executing this procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Toughkenamon, Pa., proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71, Federal Aviation Regulations, so as to designate a Toughkenamon, Pa., 700-foot floor transition area as follows:

TOUGHKENAMON, PA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°49'55" N., 75°46'08" W. of The New Garden Flying Field, Toughkenamon, Pa.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on June 10, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.71-8963 Filed 6-24-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 70-PC-7]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Guam Island transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Pacific Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 4009, Honolulu, HI 96813. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and

Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

If the proposal contained in this docket is approved, the 1,200-foot floor portion of the Guam Island transition area would be amended to include the airspace within a 35-nautical-mile radius of the Saipan radio beacon.

Air traffic at the Kobler Airport, Saipan, is increasing. The proposed alteration of the transition area would provide the needed controlled airspace for aircraft operating in the vicinity of Kobler Airport.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 F.R. 9565); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 18, 1971.

LYLE H. DITZLER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-8969 Filed 6-24-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-103]

FEDERAL AIRWAY SEGMENT

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal airway No. 35 west alternate segment between Sugarloaf Mountain, N.C., and Holston Mountain, Tenn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to realign V-35 west alternate segment from Sugarloaf Mountain to Holston Mountain via the intersection of Sugarloaf Mountain 310° T (312° M) and Holston Mountain 209° T (211° M) radials.

This airway segment alteration would facilitate arriving and departing air traffic at the Asheville, N.C., Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 18, 1971.

LYLE H. DITZLER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-8970 Filed 6-24-71;8:48 am]

[14 CFR Parts 71, 75]

[Airspace Docket No. 70-AL-11]

FEDERAL AIRWAYS AND SEGMENTS AND JET ROUTES

Proposed Alteration and Designation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would add alternate segments to Alaskan VOR Federal airways Nos. 317 and 506; designate a VOR airway between Level Island, Alaska, and Biorka Island, Alaska, and designate several jet routes in Alaska.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex II apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace actions proposed in this docket would:

1. Designate a west alternate to V-317 between Annette Island, Alaska, and Level Island, Alaska, via the intersection of the Annette Island VORTAC 311° T (284° M) and the Level Island VOR 164° T (136° M) radials.

2. Designate a standard west alternate to V–506 between the Nome, Alaska, VORTAC and the Kotzebue, Alaska, VOR.

3. Designate V–473 from Level Island, Alaska, to Biorka Island, Alaska, via the intersection of the Level Island VOR 277° T (249° M) and the Biorka Island VOR TAC 127° T (099° M) radials.

4. Extend J–123 from the King Salmon, Alaska, VORTAC to the Point Barrow, Alaska, RBN via the Bethel, Alaska, VORTAC; the Nome, Alaska, VORTAC; and the Kotzebue, Alaska, VOR.

5. Extend J–507 from the Deadhorse, Alaska, RBN to the Point Barrow, Alaska, RBN via the Oliktok, Alaska, RBN.

6. Designate J–135 from the Bethel, Alaska, VORTAC direct to the Unalakleet, Alaska, VOR.

7. Designate J–129 from Nome, Alaska, to Kotzebue, Alaska, via the intersection of the Nome VORTAC 009° T (352° M) and the Kotzebue VOR 221° T (202° M) radials.

The proposed airways and jet routes would simplify flight planning, reduce controller workload, and speed the flow of traffic by providing greater flexibility in the use of routes. Also, the proposed airways and jet routes would replace some existing off-airway routes and provide charted information.

These amendments are proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 F.R. 9565); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 18, 1971.

LYLE H. DIETZLER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–8971 Filed 6–24–71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 21, 43, 61]

[Docket No. 18920; FCC 71–655]

DOMESTIC PUBLIC POINT-TO-POINT MICROWAVE RADIO SERVICE

Specialized Common Carrier Services

In the matter of establishment of policies and procedures for consideration of applications to provide specialized common carrier services in the domestic public point-to-point microwave radio service and proposed amendments to Parts 21, 43, and 61 of the Commission's rules; Docket No. 18920.

1. Notice is hereby given of further inquiry and proposed rule making in the above-entitled matter.

2. In the First Report and Order in this proceeding released on June 3, 1971 (FCC 71–547), the Commission adopted a policy of new entry in the specialized common carrier field and rules to promote a more efficient use of radio spectrum by common carriers. We concluded that further proceedings were necessary for a resolution of Issue D (quality and reliability of service) and Issue E (local distribution), and retained full jurisdiction over those aspects of this proceeding (First Report, paragraphs 145–162).

3. On the question of local distribution we concluded that, in addition to interconnection with the exchange facilities of established carriers, specialized carriers should have the option of constructing their own local facilities to provide end-to-end service (First Report, paragraphs 157–158). However, the record before us did not afford sufficient basis for any determination as to what radio frequencies might be allocated for this purpose. We stated (First Report, paragraph 159):

> Accordingly, we have decided to issue a further notice of proposed rule making on MCI's proposal [RM 1700] to allocate the frequencies 38.6–40 GHz for a local carrier distribution service, and to include comparative consideration of frequencies in the other regions of the spectrum that have been suggested (11 GHz, 18 GHz, 30 GHz, and 50 GHz). We do not foreclose the contention, made by some parties here, that more than one frequency allocation might be appropriate, at least temporarily, or counterproposals as to possible alternative allocations. We will issue the further notice as soon as possible, and expedite the further proceedings on this question. For, we realize that this aspect should be resolved at an early date so that those authorized entrants contemplating local construction can plan and build such facilities without delay to the inauguration of the system.

4. The rule making petition (RM 1700) of Microwave Communications, Inc. (MCI), proposes to allocate the frequencies 38.6–40 GHz for a Carrier Distribution Service (CDS). MCI proposes that the band be divided into two sections, a high and a low, with each section containing six channels. It states that a channel pair (one high and one low) could be made available to each qualified common carrier. MCI claims that the six-channel pairs should be sufficient to meet the present and future needs of carriers desiring to offer specialized CDS. Since each carrier would be licensed for one specific pair, there would allegedly be no frequency interference problems and no need for frequency coordination among carriers. MCI claims that its proposed CDS system would be able to provide high levels of performance, e.g., reliabilities of 99.9 percent and bit error rates of 10^{-7} or lower, and would permit a service flexibility not available by the use of wire or local telephone exchange facilities.[1]

5. Data Transmission Corp. (Datran) proposes to use a combination of 11 GHz frequencies and multipair cable for a local distribution system for its proposed switched all digital network. It states that low-power transmitters would be used, and all carrier frequencies could be closely spaced within a single 20 MHz bandwidth which allegedly could distribute up to 4,000 4.8 Kb/s two-way data channels. Datran claims that such an 11 GHz local distribution system could be coordinated with existing FDM–FM systems by taking into account the established frequency plans and channel spacings of those systems and using interstitial frequency plans where applicable. In support of its position that such an 11 GHz local system would have minimum impact on the availability of the 11 GHz band (10.7–11.7 GHz) for other intracity or intercity use, Datran has submitted studies for the cities of Dallas and Los Angeles.

6. Datran recommends that the Commission authorize implementation of a Datran local distribution network in the various cities proposed to be served, using the 11 GHz band based upon the type of frequency planning described in its filings, with the 18 GHz band being considered as a feasible alternative for future expansion. In the alternative, Datran requests the use of both 11 and 18 GHz frequencies, with the use of 18 GHz confined to shorter path lengths at those locations with a requirement for drop and insert capability. If both of these alternatives are rejected, Datran seeks an assignment of 18 GHz frequencies for utilization for local carrier distribution systems. It states that its cost studies for the alternative use of 18 GHz frequencies indicate a cost impact of nearly two times the cost of 11 GHz frequencies.[2]

7. As in the original Notice (24 FCC 2d 318, 349), we again urge applicants and other interested persons to "address this aspect fully in their comments, with particular attention to the technical feasibility and comparative costs of the various alternatives and the effect on charges to subscribers for end-to-end service," as well as such factors as reliability of service and the availability of equipment. In connection with MCI's proposal for a 38.6–40 GHz allocation, parties are referred particularly to the engineering material set forth at pages 27–33 of its petition for rule making (RM 1700).[3] In light of the tentative view expressed in the original Notice that the 11 GHz band (10.7–11.7 GHz) should be reserved for

[1] For example, MCI states, new locations could be quickly added or deleted simply by installing equipment on the building served, or removing it and reorienting the transmission path. Channel specifications could be changed merely by changing a plug-in module to accommodate customers with a high volume of incoming traffic and a much lower outgoing volume level, or those with changing requirements depending on the month, week, day, or hour of transmission. CDS would enable two users located close to each other to communicate directly, without wasteful routing through an exchange office, and it would eliminate switching impulses which are unnoticed in voice communications but are harmful in data transmission.

[2] In its initial comments, Datran claimed that at 39 GHz path lengths would be severely restricted, only 1–2 miles. While alleging that these frequencies are not suitable for main links, Datran asserts that the higher frequencies could be used for short links to smaller clusters of subscribers or for even shorter links as an alternative to optical systems in heavy rain, fog, or snow. It also asserts that cable and optical transmission systems may be an economical alternative to radio in some areas for some purposes.

[3] During the pendency of this rule making, the Commission will consider applications for developmental authorizations utilizing the 38.6–40 GHz frequencies.

intercity use (24 FCC 2d at 348) and comments of various parties in support of that view, a party requesting an 11 GHz assignment for local distribution purposes should make a substantial showing as to the compatibility of intracity and intercity use of these frequencies.[4] Among other things, interested persons should address the material set forth at pages 91–113 of the comments already filed in this proceeding by Datran on October 1, 1970, and at pages 47–55 of Datran's reply comments filed on December 2, 1970 (including the recommendations indicated in paragraph 6 above).

8. We also solicit more detailed information, to the extent available, as to the types of transmitters (particularly those that might operate at 18 GHz and above), their state of development, and technical characteristics. Parties should also discuss the various details that may be pertinent to new frequency allocations, e.g., bandwidth limitations, the necessity or desirability of rules specifying definite frequency plans, the compatibility of such operation in the frequency band with other types of service, and the possible need for limitations on modulation techniques.[5]

9. As noted in the discussion of Issue D in the First Report (paragraphs 145–150), several parties have offered to work with the Commission to develop standard statements of quality and reliability of service and appropriate notification and reporting requirements. We think that a working committee of engineers and other interested persons under supervision of the Commission would be a useful preliminary step. Such a committee would aid the Commission in ascertaining whether and to what extent it may be necessary or desirable to develop practices and procedures to be followed by all carriers so as to give adequate notification of the essential characteristics of the service offered by the carriers; and, if so, the kinds of practices and procedures that should be proposed, including recommendations as to their appropriate implementation in the tariffs of the carriers and/or the rules and regulations of the Commission. Accordingly, we are proposing to establish an advisory committee consisting of such interested entities as we authorize to participate after consideration of statements of interest to be filed on the due date for comments in response to this Further Notice. Such statements of interest should set forth the nature of the interest, the names and addresses of the individual and alternate who desire to participate, and the qualifications of such persons to make a contribution toward the above-stated objectives. In authorizing participants, we will endeavor to keep the committee to a size that can function effectively and to select those representatives of the various interests involved who appear best qualified to contribute to the work of the committee.

10. Authority for the further inquiry and rule making proposed herein is contained in sections 1, 2(a), 4 (i) and (j), 201, 202, 203(a), 214, 218, 219, 220, 301, 303, 307–309, and 403 of the Communications Act, and Executive Order 11007.

11. Interested persons may file comments and/or statements of interest on the foregoing matters on or before August 2, 1971, and reply comments on or before August 16, 1971. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this Further Notice. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, statements of interest, and other pleadings shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference Room at its headquarters in Washington, D.C.

Adopted: June 16, 1971.

Released: June 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-9021 Filed 6-24-71;8:53 am]

[47 CFR Parts 89, 91, 93]

[Docket No. 19261; FCC 71-627]

NONVOICE COMMUNICATION TECHNIQUES

Notice of Proposed Rule Making

In the matter of amendment of Parts 89, 91, and 93 of our rules to provide for expanded nonvoice communication techniques including radioteleprinter, radio facsimile, and ambulance telemetering; Docket No. 19261, RM-1712.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In the first report and order in Docket No. 18108, the rules governing the Police, Fire, and Railroad Radio Services were amended to permit base station use of radioteleprinter devices on regularly assigned land mobile radiotelephone channels. First report and order adopted August 13, 1969, FCC 69-893.

3. Among the issues unresolved in this proceeding are (a) the disposition of 10 pairs of frequencies that have been reserved for radioteleprinter use, (b) the extent to which radio teleprinter uses may be permitted on land mobile radiotelephone channels in the remaining radio services under Parts 89, 91, and 93 of the Commission's rules, and (c) possible technical standards based on such factors as efficiency of spectrum utilization, performance, and other operational characteristics.

4. The use under the interim rules of radioteleprinter devices in the Police, Fire, and Railroad Radio Services was expected to develop operational data and technique as well as information concerning the compatibility of radioteleprinter and radiotelephone use of the same channel. Experience thus far indicates that the use of teleprinters on voice channels under the interim rules has not resulted in any significant interference problem. These rules permit voice printer operation sequentially or simultaneously in the multiplex mode. There is a minimum mileage spacing between the stations of different licensees for the purpose of minimizing the possibility of interference from teleprinter to voice and the rules permit a licensee to determine its own priority of transmission in either mode. In view of the favorable results under these provisions, we believe that the interim rules may be extended to all of our coordinated services. This should encourage development of the technique by commercial users as well as by all elements in the public safety field. Consistent with this action and because the emissions and transmission speeds are similar we propose to include provision for use of facsimile devices under the same rule provisions for all services in which radioteleprinters would be permissible.

5. On the other hand, the anticipated wide application of teleprinter has not occurred and it is now doubtful that all of the dedicated frequencies should be reserved solely for teleprinter transmissions. However, there appears to be an increasing demand for the use of nonvoice devices generally (teleprinter is just one specialized application of a nonvoice technique) which seem to offer increased efficiency in spectrum usage and/or which would serve highly important requirements of safety of life and property. The nature of these uses or the circumstances thereof seem to require dedicated frequencies.

6. A number of nonvoice applications are developing in the public safety area which do not appear capable of accommodation on the same channels used for voice messages, particularly in or near our largest cities where frequency congestion is a continuing problem. One such application involves two-way digital communications between mobile transmitters in police vehicles and central data files. The technique contemplates such uses as direct inquiry from a police vehicle to central records for data such as vehicle registration and license plate information. The response would be a visual display such as radioteleprinter, radio facsimile or cathode ray tube in

[4] Parties should also discuss in their comments or reply comments the effect of any allocation involving this band at the World Administrative Radio Conference for Space Telecommunications (Geneva, June–July 1971).

[5] It is not our intent in seeking full information on technical details, to the extent presently available, to impede flexibility or modifications of positions as developmental work progresses.

[6] Commissioner Robert E. Lee absent.

the vehicle. In many smaller police systems this use, as in the case of radioteleprinter, can be accommodated on voice channels. In police systems that are heavily loaded by day-to-day voice message traffic, separate channels appear to be needed in order to permit rapid access to computer records from a large number of mobile computer terminals with an expected message volume that will greatly exceed the capacity of the systems to handle such messages as well as voice messages. To provide for remote computer terminals systems for use by police radio systems in such circumstances we propose to designate two of the 10 pairs of frequencies now reserved for teleprinters. These frequencies will only be available for assignment to police departments in the 20 largest cities of the United States. Pending further development of the need for dedicated nonvoice channels outside of the 20 largest cities, these two channels will continue to be otherwise unavailable for assignment.

7. For those police radio systems that can adequately handle voice as well as data, we will expect that an integrated system will be utilized. Although nonvoice emissions can cause listener fatigue and irritation if some device to prevent the transmission from being overheard is not installed in two-way equipped vehicles, it is feasible to eliminate this effect by the use of suitable filters or tone coded squelch devices.

8. The medical profession has been investigating a possible new and important use of radio to assist in the diagnosis and treatment of heart patients being transported to or between hospitals. This involves the transmission of electrocardiograph (ECG) data from ambulances to medical centers to indicate the condition of patients being transported. Many hospitals are installing intensive care facilities for cardiac patients and it appears that further improvements can be achieved through earlier diagnosis and treatment. To achieve this end many cardiac specialists have been investigating radiotelemetering techniques to obtain ECG data from ambulances transporting patients. They also are investigating the possibilities for such transmission before the patient is placed in the ambulance utilizing the ambulance transmitter to retransmit telemetry information received from a low power transmitter carried to victims by ambulance crews. Since the frequencies now available to the Special Emergency Radio Service are shared between different licensees and are heavily used near our urban centers for voice communications, it does not appear that telemetering can be satisfactorily conducted or even permitted on these channels. Accordingly, we propose the allocation of five single frequencies to the Special Emergency Radio Service to be used for the transmission of ECG data from ambulances. Additionally, these frequencies will be available on a secondary basis for voice transmissions which relate to the conduct of the ambulance telemetry function. These five frequencies will be taken from the group of 10 pairs (20 frequencies) now reserved for teleprinters. This should provide a reasonable accommodation for ambulance telemetry systems of ambulance operators and hospitals in that service. Also, since many municipalities provide emergency ambulance service under the control of the local fire department, we are proposing to designate two of the five 460 MHz (frequency pairs) channels available to the Fire Radio Service as available for ambulance telemetry primarily and secondarily for two-way radiotelephony related to ambulance operation generally whether or not related to ambulance telemetry. The provision for base station frequencies in the Fire Radio Service is expected to encourage the development of "Central dispatching" of all ambulances, municipal and private, within an urban area and possible use of a single emergency telephone number.

9. The total number of frequencies, two pairs and five single, should adequately accommodate the requirement for ambulance telemetry if each urban area approaches the problem on an areawide systems design which could utilize multichannel capability in each ambulance with frequency selection to be determined at the start of each run. Comments are sought concerning the feasibility of requiring the development of areawide plans designed to achieve the most efficient use of the frequencies and to control interference between ambulances. Comments are also requested concerning the need for base station frequencies to permit direct hospital to ambulance instructions. If required, we will designate base station frequencies from the pool which was formerly reserved for radioteleprinters only. If this occurs, we would anticipate that dispatching would not be permitted thereon in order to insure channel availability for instructions to ambulances in response to telemetered patient data.

10. One other aspect of the ambulance telemetry problem requires special consideration. That is the matter of low power portable telemetering to the hospital from a patient preliminary to his being placed in the ambulance by means of an automatic retransmit capability in the ambulance. Comments are invited concerning this aspect of the ambulance telemetry problem. If frequencies are required for this purpose, we would reallocate frequencies from among the following 3-watt Business Radio frequencies: 457.525, 457.550, 457.575, and 457.600 MHz. These frequencies are little used and diversion for low power telemetry should have virtually no impact on Business licensees.

11. The county of Los Angeles on November 18, 1970, filed a petition (RM-1712) seeking amendment of the Public Safety Rules, Part 89, to provide for a heart rescue service. The new service would provide for the transmission of radiotelephony supplemented by cardiac data from emergency vehicles. Petitioner indicates that 10 channels (20 frequencies) will be required and suggests that frequencies be made available for the use in the 470–512 MHz band.[1] The proposals herein will meet to some extent the petition for rule making of Los Angeles County. While the number of frequencies, two pairs and five single, is less than petitioner seeks, we believe that the number proposed will provide an adequate accommodation for biomedical telemetry based on a coordinated area approach.

12. In summary we are proposing:

(a) To extend our interim radioteleprinter rules to all services in which frequency coordination is required and to modify these rules to permit facsimile as well as teleprinter transmissions.

(b) To make available two channels (base and mobile pairs) to the Police Radio Service for nonvoice communication between base and mobile stations to provide for the development of mobile computer terminal installations in the 20 largest cities.

(c) To make available five single frequencies to the Special Emergency Radio Service to provide for ambulance to hospital telemetry and to designate two of the five 460 MHz pairs of frequencies allocated to the Fire Radio Service to be used primarily for ambulance telemetry in municipal systems.

13. In view of the foregoing, the petition(RM-1712) described in paragraph 11 above is, to the extent that it is compatible with the proposals herein, granted and in all other respects denied.

14. The proposed amendments, as set forth below, are issued pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before September 3, 1971, and reply comments on or before September 13, 1971. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Broadcast and Docket Reference

[1] The request for allocation of frequencies in the 470–512 MHz band has been disposed of in the second report and order in Docket 18261. See paragraph 20, footnote 19.

Room at its headquarters in Washington, D.C.

Adopted: June 16, 1971.

Released: June 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

I. Parts 89, 91, and 93 of the Commission's rules are amended as follows:

1. The following revision to § 89.122 is proposed. Rules identical in substance will be included in Parts 91 and 93 of the rules.

§ 89.122 Interim provisions for operation of radioteleprinters and radiofacsimile devices in the Public Safety Radio Services.

(a) F2, F4, or F9 emission (audio-frequency tone shifts or tone phase shift) for radioteleprinter, radiofacsimile or audio passband radiotelephony multiplexed with radioteleprinter, or radiofacsimile, respectively, will be authorized for base station use only in the Local Government, Police, Fire, Highway Maintenance and Forestry-Conservation Radio Services, except on mobile only frequencies, subject to the following conditions:

(1) Information is submitted with the application to establish that the minimum separation between the proposed radioteleprinter or radiofacsimile base station and the nearest cochannel base station of another licensee operating a voice system is 75 miles for the single frequency mode of operation or 35 miles for the two-frequency mode of operation, or

(2) Where the minimum mileage separation that would be applicable under subparagraph (1) of this paragraph cannot be achieved, information is submitted with the application showing that agreement to the use of F2, F4, or F9 emission has been received from all existing cochannel licensees using voice emission within the applicable mileage limits. If it develops that agreement was not received from an existing cochannel licensee and the radioteleprinter or radiofacsimile operation interferes with the licensee's voice operations, the licensee of the radioteleprinter or radiofacsimile system is responsible for eliminating the interference. New licensees of voice operations sharing a frequency with any established radioteleprinter or radiofacsimile operation must tolerate any interference received from the radioteleprinter or radiofacsimile operation.

(3) The application lists the manufacturer and model number of the radioteleprinter or radiofacsimile system to be employed or in lieu thereof contains a detailed technical description of the system and emitted data language.

(4) The provisions in this part applicable to use of F3 emission are also applicable to use of F2, F4, or F9 emission for radioteleprinters and radiofacsimile transmissions. The station identification required by § 89.153 shall be by voice.

(5) Frequencies will not be assigned exclusively for F2 or F4 emission for radioteleprinter or radiofacsimile.

(6) Transmitters type accepted under this part for use of F3 emission may also be used for F2, F4, or F9 emission for radioteleprinter or radiofacsimile, provided, for each of these emissions, the audio keying signal is passed through the low pass audio frequency filter required to be provided in the transmitter for F3 emission. The transmitter must be so adjusted and operated that the instantaneous frequency deviation does not exceed the maximum value allowed for F3 emission.

2. In § 89.309(g), the table is amended by adding the frequencies below, and new paragraphs (h) (5) and (12) are added to read as follows:

§ 89.309 Frequencies available to the Police Radio Service.

* * * * *

(g) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
462.950	Base and mobile	5, 12
462.975	do	5, 12
* * *	* * *	* * *
467.950	Mobile only	2, 5, 12
467.975	do	2, 5, 12
* * *	* * *	* * *

* * * * *

(h) * * *

(5) This frequency may be assigned primarily for nonvoice systems only within the 20 largest cities of the United States. F2, F3, F4, or F9 emission may be authorized, however, radiotelephony is secondary to nonvoice.

* * * * *

(12) This frequency may not be used for telemetry, telecommand, or vehicle location.

* * * * *

3. In § 89.359, the table in paragraph (f) is amended to designate channels for ambulance telemetry and paragraph (g) is amended by the addition of new subparagraphs (9) and (10) to read as follows:

§ 89.359 Frequencies available to the Fire Radio Service.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
460.525	Base and mobile	1, 2, 9
460.550	do	1, 2, 9
* * *	* * *	* * *
465.525	Mobile only	10
465.550	do	10
* * *	* * *	* * *

* * * * *

(g) * * *

(9) This frequency may be used for communication with ambulance systems employing telemetry devices.

(10) This frequency may be used for mobile biomedical telemetry systems in ambulances. F2, F3, and F9 emission may be authorized and radiotelephony use is secondary to nonvoice uses.

* * * * *

4. In § 89.525, the table in paragraph (e) is amended by the addition of the frequencies listed below, and paragraph (f) is amended by the addition of new subparagraphs (1), (2), and (4) to read as follows:

§ 89.525 Frequencies available to the Special Emergency Radio Service.

* * * * *

(e) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
463.000	Mobile only	1, 2, 3
* * *	* * *	* * *
463.025	do	1, 2, 3
463.050	do	1, 2, 3
463.075	do	1, 2, 3
463.100	do	1, 2, 3
* * *	* * *	* * *

* * * * *

(f) * * *

(1) This frequency may be assigned to hospitals and ambulance operators to be used for F2 and F9 emission for biomedical telemetering from emergency vehicles to hospitals.

(2) Radiotelephony either A3 or F3 will not be authorized.

* * * * *

(4) Multiple frequency installations may be authorized when the intended use is in connection with an areawide communication plan.

* * * * *

[FR Doc.71-9023 Filed 6-24-71;8:53 am]

[2] Commissioner Robert E. Lee absent.

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

AVOIDANCE OF INCIDENTS OF PESTICIDE POISONING

Memorandum of Understanding

Pursuant to the provisions of 7 U.S.C. 2201, the Organic Act of September 21, 1944, as amended (7 U.S.C. 147a), and the Act of September 28, 1962 (7 U.S.C. 450), there was published in the FEDERAL REGISTER on April 20, 1971 (36 F.R. 7471, corrected at 36 F.R. 7867), a notice announcing the institution of a cooperative Federal-State program designed to further protect the public regarding the safe use of pesticides which, if improperly handled, could be dangerous, and a list of States having executed a memorandum of understanding with the Agricultural Research Service agreeing upon procedures to follow regarding ethyl parathion, the first pesticide selected for special attention under this program. Since the initial announcement of this program in the FEDERAL REGISTER, the States of California, Colorado, Idaho, Illinois, Maine, Minnesota, Mississippi, Missouri, Nebraska, Nevada, Tennessee, Washington, Wisconsin, and Wyoming have signed a similar memorandum of understanding with the Agricultural Research Service. Accordingly, the above-named States are added to the list of States participating in this cooperative program designed to prevent incidents of pesticide poisoning.

The States listed below are now the only States that have not, as yet, entered into this cooperative Federal-State program:

Alabama.	Michigan.
Alaska.	New Jersey.
Connecticut.	New York.
Indiana.	Ohio.
Iowa.	Oregon.
Kansas.	Texas.
Massachusetts.	Vermont.

Done at Washington, D.C., this 21st days of June 1971.

F. J. MULHERN,
Acting Administrator
Agricultural Research Service.

[FR Doc.71-8982 Filed 6-24-71;8:49 am]

Office of the Secretary

CERTAIN NATIONAL FORESTS

Changes in Boundary

Pursuant to authority vested in me by section 11 of the Act of March 1, 1911 (36 Stat. 961), as amended, and the delegation of authority and assignment of functions by the Secretary of Agriculture dated November 27, 1964 (29 F.R. 16210), the boundaries of the Clark, Allegheny, Wayne, and Hoosier National Forests are adjusted as described below and all lands within these National Forest boundaries as adjusted that have been or hereafter are acquired by the United States under provisions of the aforesaid Act, or which otherwise attain status as National Forest land subject to such Act, are hereby designated for administration as part of the particular National Forest indicated by this order.

CLARK NATIONAL FOREST, MISSOURI

FIFTH PRINCIPAL MERIDIAN

Lands Added

T. 25 N., R. 6 E.,
Sec. 14, N½N½.

Lands Excluded

T. 36 N., R. 1 E.,
Sec. 25, SW¼SW¼.
T. 33 N., R. 4 E.,
Sec. 5, E½ lot 3 NE¼.
T. 34 N., R. 4 E.,
Sec. 2, W½ lot 3 NW¼;
Sec. 3, E¾ lot 2 and E¾ lot 3 NW¼;
Sec. 12, NW¼SE¼, S½SE¼;
Sec. 13, N½NE¼;
Sec. 16, E½NW¼;
Sec. 17, E½W½, NW¼SE¼;
Sec. 18, N½W½, NW¼SE¼;
Sec. 20, SW¼NW¼;
Sec. 30, SW¼NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 32, SW¼NE¼.
T. 35 N., R. 4 E.,
Sec. 2, E½SE¼;
Sec. 11, NE¼SE¼;
Sec. 23, NW¼SW¼;
Sec. 26, S½NE¼;
Sec. 27, NE¼NE¼, S½NE¼;
Sec. 28, SW¼;
Sec. 29, SE¼;
Sec. 32, N½NE¼, SE¼NE¼;
Sec. 33, Entire;
Sec. 34, S½NE¼, W½NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 35, SW¼SW¼.
T. 34 N., R. 5 E.,
Sec. 7, S½ lot 1 and S½ lot 2 NW¼, S½ lot 1 SW¼, W½SE¼;
Sec. 18, N½NE¼, S½ lot 2 NW¼;
Sec. 21, NW¼NW¼, NE¼SE¼;
Sec. 24, W½NE¼, SW¼NW¼;
Sec. 29, SW¼NE¼.
T. 34 N., R. 6 E.,
Sec. 24, SE¼NE¼.
T. 35 N., R. 7 E.,
Sec. 15, NW¼NW¼, S½NW¼, NE¼SW¼.
T. 34 N., R. 9 E.,
Sec. 4, SE¼SW¼, W½SE¼;
Sec. 5, S½SW¼;
Sec. 9, N½;
Sec. 17, N½SE¼, SE¼SE¼;
Sec. 20, E½NE¼, SW¼NE¼, SE¼NW¼;
Sec. 21, NE¼, N½NW¼, SE¼NW¼, E½SW¼, W½SE¼.
T. 30 N., R. 2 W.,
Sec. 4, W½NE¼, W½, SE¼.
T. 33 N., R. 4 W.,
Sec. 5, E½ lot 1 and E½ lot 2 NW¼;
Sec. 6, S½ lot 1 SW¼, S½SE¼;
Sec. 7, N½NE¼, SW¼NE¼, lot 2 NW¼.
T. 34 N., R. 4 W.,
Sec. 18, lots 2 and 3 SW¼;
Sec. 19, lots 1 and 3 NE¼, lot 3 SW¼;
Sec. 31, N½NE¼, SW¼NE¼, lot 3 SW¼.
T. 35 N., R. 4 W.,
Sec. 36, S½.
T. 32 N., R. 11 W.,
Sec. 8, NW¼NE¼;
Sec. 18, S½ lot 2 NW¼, lot 1 and N½ lot 2 SW¼;
Sec. 35, N½NE¼, E½NW¼, NE¼SW¼.

ALLEGHENY NATIONAL FOREST, PENNSYLVANIA

Lands Added

Beginning at the mouth of Tubbs Run on the east side of the Allegheny River in Forest County; thence northeasterly up the east side of the Allegheny River to a point opposite the mouth of Brokenstraw Creek; thence crossing the Allegheny River to the southern corner of the Biddle Estate Tract 443b on the north bank of said river at the mouth of Brokenstraw Creek; thence northwesterly up the east side of Brokenstraw Creek, which is also the southwesterly bounds of Biddle Estate Tract 443b, to a point where said east side of Brokenstraw Creek intersects the northerly right-of-way line of legislative route 83 in the village of Irvine, in Brokenstraw Township, Warren, County; thence northwesterly along the northerly right-of-way line of legislative route 83 approximately one-half mile to a point where said northerly right-of-way line of legislative route 83 intersects the westerly right-of-way line of township route 422; thence southerly along the westerly right-of-way line of township route 422 approximately 1⅝₁₀ miles to a point near Sulphur Run where said westerly right-of-way line of township route 422 intersects the westerly right-of-way line of the Pensylvania Railroad in the Allegheny River Valley; thence southerly along the westerly right-of-way line of the Pennsylvania Railroad in the Allegheny River Valley a distance of approximately 1⅚₁₀ miles to a point about one-half mile south of Dunn Run where said westerly right-of-way line of the Pennsylvania Railroad intersects the northwesterly right-of-way line township route 422; thence southerly along the westerly right-of-way line of township route 422, a distance of approximately 6⅞₁₀ miles to a point near Connelly Run where the westerly right-of-way line of township route 422 intersects the westerly right-of-way line of legislative route 61012. Said point being in the village of Cobham on the west bank of the Allegheny River in Deerfield Township, Warren County; thence southwesterly along the westerly right-of-way line of legislative route 61012 a distance of approximately 3⅜₁₀ miles to a point where the westerly and northerly right-of-way line of legislative route 61012 intersects the east borough line of the Borough of Tidioute; thence westerly through the Borough of Tidioute along the north right-of-way line of Main Street a distance of approximately 2⅜₁₀ miles to a point where the north right-of-way line of Main Street in the Borough of Tidioute intersects the westerly borough line. Said point being near Gordon Run; thence southwesterly right-of-way line of legislative route 61001 (State Route 127) up Babylon Hill to a point where said westerly right-of-way line of legislative route 61001 intersects the westerly right-of-way line of legislative route

61003 in Triumph Township, Warren County; thence southerly along the westerly right-of-way line of legislative route 61003 passing from Triumph Township, Warren County, into Harmony Township, Forest County at the village of Fagundus and continuing along the westerly right-of-way line of legislative route 61003 to a point on Flamming Hill where the westerly right-of-way line of legislative route 61003 intersects the westerly right-of-way line of township route 310; thence southerly along the westerly right-of-way line of township route 310 to a point on Preacher Hill where the westerly right-of-way line of township route 310 intersects the northeasterly line of the Hickory Town Tracts as conveyed by Thomas Shepard, et al, to Joseph Green in 1855;

Thence N. 45° W., along the northeasterly line of the Hickory Town Tracts to the north corner of said Hickory Town Tracts; thence S. 45° W., along the northwesterly lines of the Hickory Town Tracts and the Michael Fousts warrant to the west corner of said Fousts warrant; thence S. 43° E., along the southwesterly line of the Michael Fousts warrant to an iron pipe and stones being the southeast corner of the Samuel Weir warrant and the north corner of the Charles McLafferty warrant now owned by the Commonwealth of Pennsylvania; thence along the northerly line of lands owned by the Commonwealth of Pennsylvania being the northerly bounds of the Charles McLafferty and Ira Copeland warrants, S. 84°44′ W. 152.2 rods, also being the south line of the Samuel Weir warrant; S. 88°20′ W. 83.6 rods, also being the south line of the Thomas Glenn warrant; S. 6°30′ W. 5.1 rods, N. 87°31′ W. 80.2 rods, and N. 55° W. 18.08 rods, also being the south lines of the Azro Copeland warrant; S. 6°30′ W. 60.3 rods, and N. 84°25′ W. 222.5 rods, along the east and south lines of the D. Copeland warrant to a point being the southwest corner of said D. Copeland warrant and the northwest corner of the said Ira Copeland warrant; thence along the westerly lines of lands owned by the Commonwealth of Pennsylvania being the westerly bounds of the Ira Copeland and Peter Herring warrants S. 6°36′ W. 196.6 rods, to a point in the line between Harmony and Tionesta Townships, Forest County; thence N. 71°53′ E. 97.5 rods, to a point in the west bounds of the Chauncy Stanley warrant; thence S. 18°27′ E. approximately 92.8 rods, to a point in the westerly bounds of the Chauncy Stanley warrant; thence S. 6° W. 109.5 rods, to a point on the north bounds of legislative route 511 (State Route 36); thence south to the centerline of said legislative route 511 (State Route 36) and thence southerly and easterly along centerline of said legislative route 511, a distance of approximately 3 miles to and across the Allegheny River at Tionesta to a point where said centerline intersects the east side of the Allegheny River; thence northerly along the east side of the Allegheny River to the mouth of Tubbs Run, the point of beginning.

Also to be included as part of the extension is an ell-shaped tract of 62 acres now owned by the Commonwealth of Pennsylvania and located one-half mile northeast from White Church on township road 357 in Harmony Township, Forest County and being part of the Joseph Allender warrant in the head of Allender Run, a tributary of Dawson Run which flows southeasterly into the Allegheny River 3 miles below the village of West Hickory. Said tract was acquired by the Commonwealth of Pennsylvania from Jamieson Lumber & Supply Co. by deed made June 1949 and described as follows:

Beginning at the northwest corner of the Joseph Allender warrant; thence along the north line of the said Joseph Allender warrant S. 83°43′ E. 52.3 rods, to a post and stones; thence into the Joseph Allender warrant by land of John Bingham S. 6°45′ W. 130 rods, to an iron pin in township road 357 leading easterly to West Hickory, set for a corner of an abandoned schoolhouse lot; thence by land of John Bingham S. 73°05′ E. 113.8 rods, to a post and stones on line of land of A. L. Nealy; thence by Nealy S. 20° W. 6.2 rods, to a post and stones, a corner common to lands of A. L. Nealy, T. Glenn, and Charles Kindred and the tract herein described; thence by line of land of said Glenn and Kindred N. 83°10′ W. 164 rods, to a post and stones on the western line of the said Joseph Allender warrant; thence by western line of the said Joseph Allender warrant northerly 156.6 rods to the place of beginning.

Verbeck Island, 14.2 acres in Glade Township of Warren County.

WAYNE NATIONAL FOREST, OHIO

OHIO COMPANY SURVEY

The boundaries of the Wayne National Forest are revised to contain the following land:

T. 6 N., R. 11 W.,
Secs. 30, 35, and 36.
T. 7 N., R. 11 W.,
Secs. 25, 26, 31, and 32.
T. 6 N., R. 12 W.,
Secs. 5, 6, 11, 12, 16, 17, 18, 23, 24, 29, 30, 34, 36, and fractional secs. 4, 5, 17, 18, 23, 24, 34, and 35.
T. 7 N., R. 12 W.,
Secs. 1 to 4 inclusive, 7, 8, 13, 16, 19, 25, 26, 31, and 32 and fractional secs. 1 to 7 inclusive, 12, 13, 17, 18, 19, 23, 24, 25, and 30 to 36 inclusive.
T. 5 N., R. 13 W.,
Secs. 4, 5, 6, 11, 12, 17, 18, 24, and fractional sec. 5.
T. 6 N., R. 13 W.,
Secs. 1, 7, 13, 19, 25, 31 to 36 inclusive.
T. 1 N., R. 14 W.,
Lots 1265 to 1268 inclusive;
Secs. 29, 30, 34 to 36 inclusive.
T. 2 N., R. 14 W.,
Lots 1232 to 1235 inclusive, 1240 to 1259 inclusive.
T. 10 N., R. 14 W.,
Secs. 2, 3, 4, 24, 29, 30, 33 to 36 inclusive and fractional secs. 7 (T. 13 N., R. 16 W.),[1] 11, 17, 18, 24, 30, 33 to 36 inclusive.
T. 11 N., R. 14 W.,
Secs. 5, 6, 11, 12;
Sec. 16, W½;
Secs. 17, 18, 19, 23 to 26 inclusive, 29 to 36 inclusive, and fractional secs. 17, 18, 19, 23, 24, 25, 30 to 35 inclusive and part of fractional sec. 36.
T. 2 N., R. 15 W.,
Sec. 29, E½;
Lots 682, 740, 741, 1269 to 1279 inclusive, 1284 to 1287 inclusive, and 1300 to 1303 inclusive.
T. 3 N., R. 15 W.,
All except lot 674 and the parts of lots 676 to 680 inclusive lying in sec. 7.
T. 4 N., R. 15 W.,
All except sec. 6.
T. 12 N., R. 15 W.,
All except secs. 25 and 31.
T. 13 N., R. 15 W.,
All.
T. 12 N., R. 16 W.,
All except sec. 36.
T. 13 N., R. 16 W.,
Lots 770 to 781 inclusive, S½ of each;
Secs. 1, 2, 6, 7, 8, 12;
Sec. 18, E½;
Secs. 19, 25 and fractional secs. 2, 6, 8, 13, 17, 18; part of 19; 23, 24, 35, and 36.

OHIO RIVER SURVEY

T. 1 N., R. 4 W.,
All.
T. 2 N., R. 4 W.,
Secs. 7 to 9 inclusive, 13 to 15 inclusive, and 19 to 36 inclusive.
T. 3 N., R. 4 W.,
Secs. 13 to 16 inclusive, 19 to 22 inclusive, 25 to 28 inclusive, and 31 to 34 inclusive.
T. 1, 2, and 3 N., R. 5 W.,
All.
T. 4 N., R. 5 W.,
Secs. 1 to 4 inclusive, 7 to 10 inclusive, 13 to 17 inclusive, 19 to 23 inclusive, 25 to 29 inclusive, and 31 to 35 inclusive.
T. 1, 2, 3, and 4 N., R. 6 W.,
All.
T. 5 N., R. 6 W.,
Secs. 1 to 5 inclusive, 7 to 11 inclusive, 13 to 17 inclusive, 19 to 23 inclusive, 25 to 29 inclusive, 31 to 35 inclusive.
T. 2 N., R. 7 W.,
All except secs. 19, 25, and 31.
T. 3 and 4 N., R. 7 W.,
All.
T. 5 N., R. 7 W.,
Secs. 1 to 14 inclusive, 19, 20, and 25.
T. 6 N., R. 7 W.,
Secs. 1 to 5 inclusive, 7 to 12 inclusive, 15 to 18 inclusive, 23 and 24.
T. 7 N., R. 7 W.,
Secs. 7, 13, and 19.
T. 8 N., R. 13 W.,
Secs. 5 to 8 inclusive, 17 to 20 inclusive, and 29 to 32 inclusive.
T. 12 N., R. 14 W.,
All.
T. 13 N., R. 14 W.,
Secs. 25 to 36 inclusive.
T. 14 N., R. 15 W.,
All.
T. 15 N., R. 15 W.,
Secs. 25 to 36 inclusive.
T. 2 N., R. 16 W.,
Secs. 1 to 6 inclusive.
T. 3 and 4 N., R. 16 W.,
All.
T. 5 N., R. 16 W.,
Secs. 7, 8, 17 to 20 inclusive;
Sec. 21, W½;
Secs. 27 to 34 inclusive.
T. 14 N., R. 16 W.,
Secs. 1 to 5 inclusive, 7 to 29 inclusive, and 34 to 36 inclusive.
T. 15 N., R. 16 W.,
Secs. 25, 26;
Sec. 34, S½;
Secs. 35 and 36.
T. 3 N., R. 17 W.,
Secs. 4 to 7 inclusive;
Secs. 8 and 9, N½ of each.
T. 4 N., R. 17 W.,
All except sec. 36.
T. 5 N., R. 17 W.,
All.
T. 6 N., R. 17 W.,
All except sec. 1.
T. 7 N., R. 17 W.,
Secs. 31 to 35 inclusive, S½ of each.
T. 12 N., R. 17 W.,
All.
T. 1 N., R. 18 W.,
Secs. 1, 3 to 6 inclusive;
Sec. 7, N½, and part of SW¼ lying northwest of State Route 650;
Secs. 8 to 10 inclusive, N½ of each.
T. 2 and 3 N., R. 18 W.,
All.
T. 4 N., R. 18 W.,
Sec. 1, E½E½, and N½ NW NE;
Secs. 3 to 5 inclusive, 8 to 10 inclusive;
Sec. 11, S½;
Secs. 12 to 36 inclusive.

[1] Township and Range number given in parenthesis after a fractional section are correct descriptions within the Ohio Company Survey area and actually are geographically located in the township with which listed.

T. 5 N., R. 18 W.,
Secs. 25, 32, 33;
Sec. 34, SW SW;
Sec. 36.
T. 10 N., R. 18 W.,
Secs. 1, 12, 13, 24, and 25.
T. 1 N., R. 19 W.,
Secs. 1 to 3 inclusive;
Sec. 10, N½;
Sec. 11, N⅔.
T. 2 N., R. 19 W.,
All except secs. 4, 5, 6, and 13.
T. 3 N., R. 19 W.,
Secs. 1 to 4 inclusive, 9 to 16 inclusive, 21 to 28 inclusive, and 32 to 35 inclusive.
T. 4 N., R. 19 W.,
Sec. 13;
Sec. 22, SE¼;
Sec. 23, S½;
Sec. 24 to 27 inclusive, and 33 to 36 inclusive.
French Grants,
Lots 55, 56, 67, 68, 79, 80, 91;
John Gabriel Gervais tract, that part lying northeast of the southwest line of lot 56 extended (the northeast 154.23 chains of the Gervais tract).

HOOSIER NATIONAL FOREST, INDIANA

SECOND PRINCIPAL MERIDIAN

The boundaries of the Hoosier National Forest are revised to contain the following land:

T. 1 N., R. 1 E.,
Sec. 6, S½;
Secs. 7, 8, 17 to 23 inclusive, 25 to 36 inclusive.
T. 1 N., R. 2 E.,
Secs. 30 and 31.
T. 1 N., R. 1 W.,
Sec. 1, E½ SE SE;
Secs. 8 to 36 inclusive.
T. 1 N., R. 2 W.,
Secs. 5 to 8 inclusive, 13 to 36 inclusive.
T. 1 N., R. 3 W.,
Secs. 1 to 26 inclusive, 35, and 36.
T. 1 N., R. 4 W.,
Secs. 1 and 12.
T. 2 N., R. 2 W.,
Sec. 1, W½W½;
Secs. 2 to 11 inclusive;
Sec. 12, W½ NW, NW, SW;
Secs. 14 to 20 inclusive, 29 to 32 inclusive.
T. 2 N., R. 3 W.,
All.
T. 2 N., R. 4 W.,
Secs. 1 to 3 inclusive;
Sec. 10, that part lying east of the East Fork of the White River;
Secs. 11 to 14 inclusive, 23 to 25 inclusive, 36.
T. 3 N., R. 1 W.,
Secs. 6, 7, 18.
T. 3 N., R. 2 W.,
All.
T. 3 N., R. 3 W.,
Secs. 31 to 36 inclusive.
T. 3 N., R. 4 W.,
Secs 26 and 27, S½ of each;
Secs. 34 to 36 inclusive.
T. 4 N., R. 1 W.,
Secs. 30, 31.
T. 4 N., R. 2 W.,
Secs. 2 to 11 inclusive, 14 to 23 inclusive, 25 to 36 inclusive.
T. 5 N., R. 2 W.,
Secs. 4 to 9 inclusive, 15 to 22 inclusive, 27 to 34 inclusive.
T. 5 N., R. 3 W.,
Sec. 22, SE SW, that part of the SW SE lying southwest of the public highway;
Sec. 23, SE NW SW, E½ SW, SE¼, that part of the SW SW lying south and east of the Crane Lake Naval Depot boundary;
Sec. 24, SE NE, east 20 feet of the S½ S½ SW NE, SW¼, N½ NE SE, east 3 acres of the N½ NW SE, 2 acres lying west of the road in the N½ NW SE, S½ SE;
Secs. 25 and 26;
Sec. 27, NE NW, SE SW except the west 10 acres, E½;
Sec. 33, that part east of the Crane Lake Naval Depot;
Secs. 34 to 36 inclusive.
T. 6 N., R. 1 E.,
Secs. 1 to 5 inclusive;
Sec. 8, E½;
Secs. 9 to 16 inclusive;
Sec. 17, E½.
T. 6 N., R. 2 E.,
Secs. 1 to 13 inclusive, 15 to 18 inclusive;
Secs. 19 to 21, N¾ of each;
Sec. 22, W½ NE, NW¼, N½ SW, NW SE;
Sec. 24, N½.
T. 6 N., R. 3 E.,
Secs. 1 to 28 inclusive.
T. 7 N., R. 1 E.,
All except sec. 31, S¾.
T. 7 N., R. 2 and 3 E.,
All.
T. 7 N., R. 4 E.,
Secs. 4 to 9 inclusive, 16 to 20 inclusive, 29 and 30;
Secs. 31 and 32, N½ of each.
T. 7 N., R. 1 W.,
Sec. 24, part of SE SE lying east of the Reservoir;
Sec. 25, part of E¼ lying east of the Reservoir.
T. 8 N., R. 1 E.,
Secs. 25 to 36 inclusive.
T. 8 N., R. 2 E.,
Sec. 25, S½;
Sec. 26, W½, SE¼;
Secs. 27 to 36 inclusive.
T. 8 N., R. 3 E.,
Secs. 25 to 28 inclusive;
Secs. 29 and 30, S½ of each;
Secs. 31 to 36 inclusive.
T. 8 N., R. 4 E.,
Secs. 30 and 31.
T. 1 S., R. 1 E.,
Secs. 1 to 23 inclusive, 26 to 34 inclusive.
T. 1 S., R. 1 W.,
All.
T. 1 S., R. 2W.,
Secs 1 to 30 inclusive, 33 to 36 inclusive.
T. 1 S., R. 3 W.,
Secs. 1, 2, 11 to 14 inclusive, 23 to 26 inclusive.
T. 2 S., R. 1 E.,
Secs. 4 to 9 inclusive, 16 to 21 inclusive, 28 to 33 inclusive.
T. 2 S., R. 1 W.,
All.
T. 2 S., R. 2 W.,
Secs. 1 to 4 inclusive, 9 to 16 inclusive, 19 to 36 inclusive.
T. 2 S., R. 3 W.,
Sec. 24, SE SE;
Sec. 25, E½;
Sec. 36, NE NE.
T. 3 S., R. 1 E.,
Secs. 4 to 8 inclusive, 17 to 20 inclusive, 29 to 32 inclusive.
T. 3 S., R. 1 W.,
All.
T. 3 S., R. 2 W.,
Secs. 1 to 6 inclusive, 8 to 17 inclusive, 20 to 36 inclusive.
T. 4 S., R. 1 E.,
Secs. 5 to 10 inclusive, 15 to 22 inclusive, 27 to 34 inclusive.
T. 4 S., R. 1 and 2 W.,
All.
T. 5 S., R. 1 E.,
Secs. 3 and 4.
T. 5 S., R. 1 W.,
Secs. 1 to 22 inclusive;
Sec. 23, W½;
Secs. 27 to 34 inclusive.
T. 5 S., R. 2 W.,
Secs. 1 to 30 inclusive;
Sec. 32, E½E½;
Secs. 33 to 36 inclusive.
T. 6 S., R. 1 W.,
Sec. 5, W½;
Secs. 6 and 7;
Secs. 8 and 17, W½ of each;
Secs. 18 to 20 inclusive;
Fr. sec. 21, S½;
Fr. sec. 28;
Secs. 29 to 34 inclusive.
T. 6 S., R. 2. W.,
Secs. 1 to 4 inclusive;
Sec. 5, NE¼, S½;
Sec. 6, S½;
Secs. 7 to 30 inclusive;
Sec. 32, E½;
Secs. 33 to 36 inclusive.
T. 7 S., R. 1 W.,
Sec. 3, N½ lying west of the Ohio River;
Secs. 4 to 6 inclusive, N½ of each.
T. 7 S., R. 2 W.,
Secs. 1 to 4 inclusive;
Secs. 5 and 8, E½ of each;
Secs. 9 to 12 inclusive, 14 to 16 inclusive, 21 to 23 inclusive, 26 to 28 inclusive.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER (6-25-71).

T. K. COWDEN,
Assistant Secretary.

JUNE 18, 1971.

[FR Doc.71-8839 Filed 6-24-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

C. J. PATTERSON CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2684) has been filed by C. J. Patterson Co., 3947 Broadway, Kansas City, Mo. 64111, proposing that § 121.1211 *Sodium stearoyl-2-lactylate* (21 CFR 121.1211) be amended to provide for the safe use of sodium stearoyl-2-lactylate as an emulsifier, stabilizer, dough conditioner, whipping agent, or processing aid in all foods except those for which standards of identity preclude its use.

Dated: June 21, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-8937 Filed 6-24-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIRPORT TRAFFIC CONTROL TOWER AT ALBANY-DOUGHERTY COUNTY AIRPORT, ALBANY, GA.

Notice of Commissioning

Notice is hereby given that on or about June 27, 1971, the Airport Traffic Control Tower at the Albany-Dougherty

County Airport, Albany, Ga., will be in operation as an FAA facility. The tower is now jointly owned and operated by the city of Albany and Dougherty County, Ga. This information will be reflected in the FAA Organization Statement the next time it is reissued. Communication to the tower should be as follows:

Federal Aviation Administration, Airport Traffic Control Tower, Albany-Dougherty Airport, Albany, Ga. 31702.

Issued in East Point, Ga., on June 20, 1971.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.71-8972 Filed 6-24-71;8:48 am]

AIRPORT TRAFFIC CONTROL TOWER AT GAINESVILLE MUNICIPAL AIRPORT, GAINESVILLE, FLA.

Notice of Commissioning

Notice is hereby given that on or about June 27, 1971, the Airport Traffic Control Tower at the Gainesville Municipal Airport, Gainesville, Fla., will be in operation as an FAA facility. The tower is now owned and operated by the city of Gainesville, Fla. This information will be reflected in the FAA Organization Statement the next time it is reissued. Communication to the tower should be as follows:

Federal Aviation Administration, Airport Traffic Control Tower, Gainesville, Municipal Airport, Gainesville, Fla. 32601.

Issued in East Point, Ga., on June 20, 1971.

W. B. RUCKER,
Acting Director, Southern Region.

[FR Doc.71-8973 Filed 6-24-71;8:48 am]

FAA FACILITIES AND SERVICES FOR PRIVATELY OWNED, PUBLIC USE AIRPORTS

Notice of Invitation for Comments on Proposed Policy Change

This notice is in further implementation of the Department of Transportation's policy of regular consultation with users of the National Airspace System, the aviation industry, State and local government agencies, and the general public regarding major changes in policy and planning.

FAA policy as currently expressed in Airway Planning Standard No. 1, specifically excludes the establishment of FAA Facilities and Services at privately owned airports. A reexamination of this policy has been made over the past several months by the FAA in conjunction with an analysis conducted by the Technical Analysis Division of the National Bureau of Standards. A Notice of Invitation for Comments on the NBS study of FAA facilities and services for privately owned public use airports was published in the FEDERAL REGISTER on October 10, 1970, at 35 F.R. 16013. Comments received indicated firm public and interagency endorsement of a change in FAA policy which would allow the application of regular APS No. 1 facility establishment criteria at qualified privately owned as well as publicly owned airports.

Several comments were raised which criticized the rationale behind certain conclusions reached in the NBS study. In most cases, these comments were valid. They did not, however, detract from the basic principle involved nor did they raise objections to the change in policy. Certain other useful and valid comments and suggestions were made which have been incorporated in the proposed policy. The more significant of comments received which objected to such a policy change centered around the following two points:

1. The investment of Federal funds, however justified, for facilities and services at privately owned airports does, in fact, constitute a subsidy of private enterprise.

2. Diversion of user charge trust funds derived under the Airport and Airway Development Act to privately owned airports should not be permitted until the long unmet needs of the National Airport System have been met and services at publicly owned facilities have been raised to an acceptable level.

Regarding the first objection, we do not agree that any subsidy is involved. Under the terms of the recently established user charge concept, the user is indirectly providing a share of the funds for the services provided within the total National Airspace System including the services in question. He is not concerned with who owns the airport but with getting the services for which he is paying.

We also do not agree with the second objection. All too frequently, we are losing airports in critical traffic areas and such losses are not being recovered. In fact, we are convinced that this is the most telling argument for the proposed policy change. If the Federal Government can, through the provision of services justified through traffic volumes at public use airports, help to retain such airports as living parts of the National Airport System, then a most important objective will be realized.

This proposed major change in policy recognizes that high activity, privately owned, public use airports serve the same purposes and provide the same benefits to the general public, the aviation community and the Nation's economy as their publicly owned counterparts. It is in consonance with the assigned FAA mission and responsibility of assuring safety and efficiency of all civil aircraft operations and of promoting air commerce and civil aeronautics. It further recognizes that privately owned, public use airports are an important facet of our National Aviation System and, most important, that the growing lack of a sufficient number of airports and the increasing pressures against new airport construction requires that all public use airports be considered as valuable national resources.

This proposed policy change also recognizes the supplementary requirement to establish clear and explicit legal procedures and precautionary arrangements to protect the Federal investment, to assure the continued aeronautical use of these airports as public facilities without discrimination and to prevent the assignment of exclusive operating rights and inequity of service charges.

It should also be clearly understood that any facility or service implementation action associated with this proposed change in policy shall not precede the satisfactory completion of the normal FAA budgetary process.

The Federal Aviation Administration proposes to provide terminal air navigation facilities and air traffic control services at privately owned airports in accordance with the following policy:

Privately owned airports open to and available for use by the public, which are recognized by and contained within the National Airport System Plan, are also candidates for the various terminal air navigation facilities and air traffic control services provided that they meet the same facility establishment standards and implementation criteria as those specified for publicly owned airports. In addition, the owner(s) of such airports shall enter into appropriate assurances and covenants to guarantee:

1. Compliance with that portion of section 308(a) of the Federal Aviation Act dealing with the prohibition of exclusive rights.

2. Compliance with those antidiscrimination regulations and practices applicable to publicly owned airports.

3. Equality of charges.

4. Protection of the Government investment through operation as a public use facility for long enough periods to permit the amortization of such investment.

5. Compliance with the same safety requirements and obstacle clearance criteria applicable to publicly owned airports.

6. That charges to the FAA and other Governmental Agencies for land, buildings, office space, etc., be the same as those applicable to publicly owned airports.

7. The continuing operation of such airport for the use and benefit of the public.

Interested persons are invited to submit such written data and comments as they may desire. Comments should be submitted to Director, Office of Aviation Policy and Plans, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590, on or before July 30, 1971. All comments submitted will be available for review in Room 935, Federal Office Building 10A, 800 Independence Avenue SW., Washington, DC.

Should a change in policy still be deemed desirable, after analysis of all public and Government comments, action

leading toward the implementation of such policy change will be initiated.

Issued in Washington, D.C., on June 18, 1971.

BENJAMIN F. L. DARDEN,
Director, Office of Aviation Policy and Plans, Federal Aviation Administration.

[FR Doc.71-8974 Filed 6-24-71;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Notice of Receipt of Application for Facility Operating License

Please take notice that General Electric Co., 175 Curtner Avenue, San Jose, CA 95125, pursuant to section 104b, of the Atomic Energy Act of 1954, as amended (the Act), has filed an application, in the form of a letter dated December 30, 1970, accompanied by a Final Safety Analysis Report, for a license to operate a nuclear fuel reprocessing plant at its site near Morris in Grundy County, Ill.

The plant, designated by the applicant as the Midwest Fuel Recovery Plant, is designed to process a nominal 1 ton of uranium per day of irradiated fuel from light water reactors.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Morris Public Library, 604 Liberty Street, Morris, IL 60451.

Dated at Bethesda, Md., this 17th day of June 1971.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Acting Director, Division of Materials Licensing.

[FR Doc.71-8960 Filed 6-24-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22768; Order 71-6-106]

FLYING TIGER CORP. AND TIGER LEASING CORP.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of June 1971.

The Flying Tiger Corp. (FTC) and Tiger Leasing Corp. (Tiger Leasing) request approval pursuant to section 408 of the Federal Aviation Act of 1958, as amended (the Act), of control relationships resulting from the common control by FTC of the Flying Tiger Line Inc. (FTL), a certificated all-cargo carrier, and Tiger Leasing, which proposes to engage in aircraft leasing transactions.

Tiger Leasing is a wholly owned subsidiary of FTC organized, on July 30, 1970, for the primary purpose of leasing real and personal property. We understand that the subsidiary will engage in the ownership and leasing of items such as containers for use in air and surface shipments, railroad cars, and other transportation-related equipment. It has 1 million shares of $1 par value common stock authorized and 10,000 shares issued and outstanding.

By Order 70-12-158, December 31, 1970, the Board approved an application by Flying Tiger Air Services, Inc. (FTAS), and Overseas National Airways, Inc., involving a sale and lease-back arrangement for one DC-8-63F aircraft. In so doing, the Board indicated that its approval therein was solely to allow FTAS to transfer the aircraft to Tiger Leasing after the instant application and other matters were approved. By virtue of the fact that it intends to engage in aircraft lease activities, Tiger Leasing will become a person engaged in a phase of aeronautics.

In support of their request the applicants submit that since aircraft financing is one of the industry's most critical problems, there is substantial public interest in broadening the companies which are prepared and able to participate in this activity; and that there are significant contributions which can be made by a company which has available to it both the financing and aviation operating skills such as those embraced in Tiger Leasing. The applicants further submit that there is a public interest in permitting a company such as FTC, whose basic future is tied to air transportation, to establish an aircraft leasing business in which the derived profits from leasing activities will be available as necessary to strengthen the regulated air transportation enterprise rather than drained off entirely to some other purposes; that in management's view an aircraft leasing enterprise would be a lucrative business opportunity responsive to the increasing demands of the direct air carriers; that notwithstanding the fact that FTL's existing debt restrictions on investment impose a significant constraint on the company's ability to engage in aircraft lease transactions, FTL's management is uniquely qualified to engage in these activities; and that Tiger Leasing intends to operate such a program, but will engage only in financing-type leases as distinguished from operational leases which require crews.

In addition, the applicants state that, at present Tiger Leasing has no firm leasing commitments other than that indicated in Order 70-12-158, supra; that nothwithstanding the fact that Tiger Leasing and FTL are affiliates of FTC, in no event will FTL's credit be pledged with respect to any lease transactions involving Tiger Leasing, and FTC will make no significant capital contribution to Tiger Leasing; and that, although FTL has no present intention of entering into intercompany transactions with Tiger Leasing, it is clear under established policy that any future transactions exceeding $100,000 in a calendar year would require prior Board approval.[1] Finally, the applicants state that it is clear approval of the relationships will not in any way compromise or impair the obligations and integrity of FTL; that the leasing company will have lines of credit available to itself in amounts sufficient for it to engage in lease transactions (i.e., the financial resources of FTL will not be made available to Tiger Leasing); and that the relationships between the joint applicants do not affect the control of an air carrier directly engaged in the operation of aircraft, do not and will not result in creating a monopoly and do not and will not tend to restrain competition.[2]

No objections to the application or requests for a hearing have been received.

By Orders 69-12-121, dated December 29, 1969, and 70-6-119, dated May 5, 1970, the Board approved and disclaimed jurisdiction over certain relationships and the transfer of certificates involving FTC and FTL. Briefly stated, these orders approved a plan of corporate reorganization which provided for the formation by the Flying Tiger Line Inc. (Old Tiger), as it was then constituted, of a wholly owned subsidiary, the Flying Tiger Corp. (FTC) and the organization by FTC of a wholly owned subsidiary, FTL Air Freight Corp. (New Tiger). Old Tiger, FTC, and New Tiger entered into an agreement providing for the merger of Old Tiger into New Tiger, which received all of its assets. Subsequent to the merger, Old Tiger's air carrier activities have been conducted by New Tiger, which changed its name to the Flying Tiger Line Inc. (referred to herein as FTL).

In the above-cited orders dealing with the then proposed creation by the Tiger air carrier of a holding company to control the air carrier and any subsequently formed or acquired entities, the Board stated its concern lest the route to diversification facilitated by the proposed Tiger reorganization cause the obligations and integrity of the air carrier to be compromised or impaired.[3] Thus, the Board approved the creation of the holding company subject to various condi-

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[1] Order 70-6-119, infra, provides in part that "Flying Tiger Corp., Tiger Investment, Flying Tiger Air Services, Inc., or any other company within the existing Flying Tiger Corp. system of affiliates and subsidiaries shall not in any calendar year, and without prior Board approval, either individually or jointly enter into any intercompany transactions with or affecting New Tiger which will have an aggregate value of $100,000 or more."

[2] According to the applicants the interlocking relationships between the joint applicants and FTL come within the scope of the relief from sec. 409 provided by Part 287 of the Board's Economic Regulations. However, should any future transactions between the parties and FTL exceed the scope of Part 287 exemption, an appropriate sec. 409 application will be submitted to the Board.

[3] See also Trans World Airlines, Inc. Acquisition of Sun Line Cos., Order 71-1-4, Jan. 4, 1971. Cf. Piedmont Aviation, Inc. Acquisition of Greensboro/High Point Air Service, Inc., Order 71-2-69, Feb. 16, 1971.

tions which would allow it to monitor the means and extent of diversification.

As a general proposition we continue to regard it as an open question whether the engagement of air carriers, directly or through affiliates, in nontransport activities redounds to the benefit or detriment to the common carriage activities of the air carriers. Thus, apart from the obvious possible detriments such as the diversion of the air carrier's management talents and interests, there is always existing the possibility that ventures entered into with stated promises of financial gain ultimately turn sour—to the carrier's immediate harm and to the public's ultimate detriment.[4] Additionally, ancillary activities of air carriers can cause such difficult regulatory problems as the proper separation and allocation of accounts[5] and the appropriateness of the carrier's provision of services, through affiliates, which are not filed in the carrier's tariffs.[6]

Thus, the dimensions of the extent to which air carriers should diversify are not yet delimited. Nor, on the other hand, is it certain that diversification (of nonsubsidized carriers) may not be without some benefits. In the instant case, it does not appear that the activities of Leasing will involve Tiger's management in activities which are unrelated to its transportation expertise or resources; and it does not appear that the creation and operation of Leasing will impair the financial strength and management of the air carrier.

Therefore, we do not find that the control relationships will be inconsistent with the public interest; and we do not find that the conditions of section 408 of the Act will be unfulfilled. On the basis of the facts of record, the Board tentatively concludes that it should approve the control relationships without hearing pursuant to the third provision of section 408(b) of the Act; and, pursuant to Order 70-6-119, that it should approve the transfer of one Douglas DC-8-63F aircraft to Tiger Leasing from FTAS.[7] However, the Board proposes, consistent with its practice in similar circumstances,[8] to impose a condition that would prohibit all transactions, other than that tentatively approved herein, involving the purchase, lease or modification of aircraft equipment or component parts between Tiger Leasing and the Flying Tiger Corp. system of affiliates and subsidiaries.[9] We shall also retain jurisdiction over the relationships to take any further action that may be required in the public interest.[10]

On the basis of the foregoing, it is concluded that Tiger Leasing is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act and that the control thereof by FTC, a person controlling an air carrier (FTL), is subject to such section. However, the Board has concluded tentatively that the establishment of Tiger Leasing does not affect the control of an air carrier engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing. In accordance with section 408(b) of the Act, this order constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER, and interested persons will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision.

Accordingly, it is ordered, That:

1. The common control by The Flying Tiger Corp. of The Flying Tiger Line Inc., and Tiger Leasing Corp. be and it hereby is tentatively approved subject to the condition that, except as allowed herein, there shall be no transactions involving the purchase, lease or modification of aircraft equipment or component parts between Tiger Leasing Corp. and The Flying Tiger Corp. system of affiliates and subsidiaries; and, to the extent applicable, subject to the conditions imposed in Order 70-6-119:

2. The transfer of one Douglas DC-8-63F aircraft to Tiger Leasing Corp. from Flying Tiger Air Service, Inc., be and it hereby is tentatively approved to the extent necessary under Order 70-6-119: *Provided,* That any agreement evidencing such transfer shall be filed in Docket 22768 within 10 days after execution thereof;

3. Interested persons are hereby afforded a period of fifteen days from the date hereof within which to file comments or request a hearing with respect to the Board's proposed action; [11] and

4. The Attorney General of the United States be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.71-9018 Filed 6-24-71;8:52 am]

[Docket No. 23496]

PANDAIR FREIGHT, LTD.

Foreign Air Carrier Permit for Indirect Foreign Air Transportation; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on July 19, 1971, at 10 am (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William H. Dapper.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before July 12, 1971.

Dated at Washington, D.C., June 22, 1971.

[SEAL] RALPH L. WISER,
Acting Chief Examiner.

[FR Doc.71-9019 Filed 6-24-71;8:52 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-159]

CERTAIN SPOOLS USED FOR TRANSPORTATION OF WIRE

Designation as Instruments of International Traffic

JUNE 18, 1971.

Under the authority of § 10.41a, Customs Regulations (19 CFR 10.41a), substantially constructed spools and reels composed of wood, spools and reels composed of metal, and spools and reels with metal cores and wooden rims used in the transportation of cable, wire, metal in strip form, and similar merchandise were designated instruments of international traffic by Treasury Decision 56247, dated August 26, 1964.

It has been established to the satisfaction of the Bureau that certain spools composed of plastic, used for the transportation of wire and similar merchandise are substantial, suitable for and capable of repeated use; and used in significant numbers in international traffic.

Therefore, Treasury Decision 56247, relating to wood and metal spools and reels, is amended to designate the above-described plastic spools as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930,

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[4] The recent Penn Central debacle is only one example. Others are detailed in the Interstate Commerce Commission, Conglomerate Merger Studies, July 1, 1970.

[5] See EDR-187, Sept. 9, 1970, Docket 22546.

[6] See, e.g., Emery Air Freight Corp., Control of Cargo Facilities, approved in Order 70-12-15, Dec. 3, 1970.

[7] See footnote 1, supra.

[8] Capitol International Airways, Inc., Air-Lease, Inc., and Jesse F. Stallings, Order E-25854, Oct. 19, 1967, and E-25905, Oct. 31, 1967.

[9] It is the Board's intention that the final order of approval shall also be subject to the conditions heretofore imposed by the Board in the approval relating to the reorganization of Old Tiger in Order 70-6-119, supra.

[10] Applicant's amendment of Dec. 23, 1970, to the application in this proceeding relates to matters involved in The Flying Tiger Line Inc., reorganization proceeding in Docket 21223. Since an application for modification of Board Order 70-6-119, issued in that proceeding is presently pending, applicants' amendment herein will be considered as part of that pending application.

[11] Comments so filed shall conform to the requirements of the Board's rules of practice (14 CFR Part 302).

[12] Dissenting statement of Member Murphy filed as part of original document.

as amended. These spools may be released under the procedures provided for in § 10.41a.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-8989 Filed 6-24-71;8:50 am]

[T.D. 71-163]

SWISS FRANC

Rates of Exchange

JUNE 15, 1971.

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Swiss franc between June 7 and June 11, 1971.

Treasury Decision 71-101 published as the rate of exchange for the Swiss franc for use during the calendar quarter beginning April 1 through June 30, 1971, $0.232800, as certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under the provisions of section 522(c) of the Tariff Act of 1930, as amended (31 U.S.C. 372(c)).

For the dates listed below, the Federal Reserve Bank of New York certified rates for the Swiss franc which vary by 5 per centum or more from the rate $0.232800. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert Swiss currency into currency of the United States, conversion shall be at the daily rate certified by the Federal Reserve Bank of New York, as herewith published:

Swiss franc:	
June 7, 1971	$0.244625
June 8, 1971	.244524
June 9, 1971	.244445
June 10, 1971	.244795
June 10, 1971	.244795
June 11, 1971	.244587

Rates of exchange certified for the Swiss franc which vary by 5 per centum or more from the rate of $0.232800 during the balance of the calendar quarter ending June 30, 1971, will be published in a Treasury Decision for dates subsequent to June 11, 1971, and before July 1, 1971.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-9009 Filed 6-24-71;8:52 am]

Internal Revenue Service

FRANK WAYNE BAKER

Notice of Granting of Relief

Notice is hereby given that Frank Wayne Baker, 309 West James Street, Danville, VA 24541, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 28, 1969, in the Corporation Court, City of Danville, Va., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Frank Wayne Baker because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Frank Wayne Baker to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Frank Wayne Baker's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Frank Wayne Baker be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 16th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-8990 Filed 6-24-71;8:50 am]

JOHN DARRELL HILL

Notice of Granting of Relief

Notice is hereby given that John Darrell Hill, Post Office Box 20545, Sacramento, CA 95820, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 29, 1966, and May 13, 1966, in the Superior Court of the State of California, in and for the County of Butte, of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Darrell Hill because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for John Darrell Hill to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Darrell Hill's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That John Darrell Hill be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 17th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[F.R. Doc.71-8991 Filed 6-24-71;8:50 am]

EARL E. SHEESLEY, JR.

Notice of Granting of Relief

Notice is hereby given that Earl E. Sheesley, Jr., Rural Delivery No. 1, Downingtown, PA 19335, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 23, 1958, in the Court of Quarter Sessions of Chester County, Pa., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Earl E. Sheesley, Jr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Earl E. Sheesley, Jr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Earl E. Sheesley, Jr.'s application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Earl E. Sheesley, Jr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 16th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-8992 Filed 6-24-71;8:50 am]

CLIFFORD DUANE SILLIMAN

Notice of Granting of Relief

Notice is hereby given that Clifford Duane Silliman, 314 West First Street, Madrid, IA 50156, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 13, 1961, in the Polk County District Court, Des Moines, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Clifford Duane Silliman because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Clifford D. Silliman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Clifford D. Silliman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFRF 178.144: *It is ordered,* That Clifford D. Silliman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 16th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-8993 Filed 6-24-71;8:50 am]

STEVEN JAMES VOGELSANG

Notice of Granting of Relief

Notice is hereby given that Steven James Vogelsang, Post Office Box 197, Livermore Falls, ME 04254, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 24, 1969, in the Androscoggin Superior Court, Auburn, Maine, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Steven J. Vogelsang because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Steven J. Vogelsang to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Steven J. Vogelsang's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Steven J. Vogelsang be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 16th day of June 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-8994 Filed 6-24-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

EASTERN BAND OF CHEROKEE INDIANS

Notice That Certain Federally Owned Lands in North Carolina Are Held by the United States in Trust

JUNE 14, 1971.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

The Act of October 22, 1970 (Public Law 91-501, 91st Congress; 84 Stat. 1097), authorizes the Secretary of the Interior to declare, upon request of the tribal council, that the United States holds in trust for the Eastern Band of Cherokee Indians, subject to valid existing rights, the title of the United States to certain federally owned lands. This declaration can be made for any federally owned lands and the improvements thereon within the Cherokee Reservation which the Secretary determines now or hereafter to be excess to Government needs for the administration of Indian affairs. The declaration will be made by publication of a notice in the FEDERAL REGISTER.

The Secretary of the Interior delegated his authority under said Act of October 22, 1970, to the Commissioner of Indian Affairs in section 30(a)(50) of Secretarial Order 2508, published on page 563 of the January 14, 1971, issue of the FEDERAL REGISTER (36 F.R. 563).

The Eastern Band of Cherokee Indians requested the return of the lands described below by their Resolution No. 10 (1966) adopted on May 17, 1966, and by Resolution No. 193 adopted on October 22, 1969.

Accordingly, pursuant to the authority contained in said Act of October 22, 1970, notice is hereby given that title of the United States of America to the following described lands and the improvements thereon is held in trust for the Eastern Band of Cherokee Indians of North Carolina, subject to valid existing rights:

Parcel No. 61—Upper Cherokee Community. Beginning on Marker No. 526 set in Upper Cherokee Community on the north side of the Oconaluftee River at the water's edge, S. 78° E. 40.4 feet from a 30-inch sycamore tree, S. 51° W. 9.3 feet from a 20-inch sycamore tree, and running N. 52°28' W. 549.5 feet to Marker No. 525, passing over C.L. of U.S. Highway 441 at 166 feet. Marker No. 525 is set on the south side of BIA Road No. 16, 22 feet from C.L. and is a POL between Markers No. 526, 621, 620, and 524, 26.5 feet S. 62° E. from a 24-inch elm tree. Thence S. 37°32' W. 162.3 feet to Marker No. 623, passing over Marker No. 527 at 109.2 feet. Marker No. 623 is set at the southeast corner of a small garden, north of the east end of a small covered ditch, a POL with Markers No. 525 and 527. Thence S. 09°53' E. 148.3 feet to Marker Nos. 1761 set 0.8 foot S. 69° W. from a power pole at end of power line, 45 feet more or less from the north edge of P.H.S. Hospital, 33 feet N. 30° E. from a light pole. Thence S. 69°12' E. 109.8 feet to Marker No. 1762 set at the base and 0.7 foot north of an 18-inch poplar tree, 110 feet S. 56° E. from a power pole. Thence N. 86°47' E. 186.4 feet to Marker No. 652 set on the west R/W of U.S. Highway No. 441, in the center of a covered drain, 11.3 feet N. 54° W. from a stone fence, 12.8 feet N. 32° W. from the center of a concrete headwall and 25.1 feet S. 83° E. from the east corner of a 5' x 8' boulder. Thence with said R/W S. 38°43' W. 191.3 feet to a point. Thence S. 47°56' W. 217.3 feet to Marker No. 651 set on said R/W 10 feet west of the west edge of a stone fence. Thence crossing Highway No. 441 S. 49°39' E. 60.0 feet to Marker No. 503 set on the east R/W of said highway at or near the location of the northeast corner of Long Blanket Tract No. 2, S. 84° E. 8 feet from the center of a stone headwall at east end of a culvert, 25 feet from the edge of the Oconaluftee River and 15.6 feet N. 80° E. from a 10-inch elm tree. Thence N. 56°40' E. 328.9 feet to Marker No. 316 set on the west bank of the Oconaluftee River, 3 feet from the waters edge 8 feet southwest of a branch intersecting the river, S. 67° E. 10.2 feet from a 10-inch willow tree and N. 37° W. 1.5 feet from a 12-inch sycamore tree. Thence with edge of river N. 54°22' E. 113.6 feet to a point. Thence N. 57°40' E. 104.3 feet to Marker No. 526, the point of beginning. Containing 3.08 acres more or less.

Parcel No. 9—Big Cove Community. Beginning at Marker No. 1501 set at the base of a 15-inch chestnut stump believed to be the same as the 12-inch chestnut and the beginning corner of the survey of a portion of Big Cove Church Lot, Quitclaim Deed from W. Barton Greenwood, Acting Commissioner, Bureau of Indian Affairs to the Eastern Band of Cherokee Indians, dated January 24, 1955. Said chestnut stump being located 66 feet north of the Old Big Cove Road (now abandoned) and 80.3 feet north of a point in the center of present Big Cove Road (Blacktop) BIA No. 10. Thence running from said beginning point S. 35°33' W. 121.4 feet to Marker No. 1502 a meandering corner set on right bank of Raven Fork River 12 feet more or less downstream from what is believed to be the location of spring mentioned in said deed. Said spring destroyed by construction of the New Big Cove Road. Thence a meandering line up said river S. 31°15' E. 169.6 feet to a point. Thence S. 63°44' E. 172.8 feet to a point. Thence N. 68°56' E. 122.6 feet to a point. Thence N. 24°31' E. 205.2 feet to Marker No. 1503 set on right bank of river and near the base of road fill. 10 feet S. 40° E. from 8-inch forked sycamore. Thence leaving river and crossing Big Cove Road N. 37°24' W. 88.5 feet to a point at the top of vertical road cut and at the south edge of Old Big Cove Road. Thence S. 69°51' W. 99 feet to a point in center of Old Big Cove Road. Thence N. 76°50' W. 230.8 feet to Marker No. 1501 the point of beginning. Containing 2.1 acres more or less.

NOTE: Tie traverse from a point in the center of Big Cove Road at Galamore Creek crossing. Also being a POL between Markers Nos. 841 and 842, 116.28 feet from Marker No. 842 on the east line of Parcel No. 5 (New Big Cove School Tract). Thence running from said point and with Big Cove Road N. 48°02' E. 791.1 feet to a point in center of said road. Thence N. 89°04' E. 451.7 feet to a point in center of said road. Thence S. 71°47' E. 450.4 feet to a point in center of said road. Thence S. 52°43' E. 650.8 feet to a point in center of said road which is a POL between Markers Nos. 1501 and 1502, 80.3 feet from Marker No. 1501, the west line of Old Big Cove School Lot Parcel No. 9.

Parcel No. 2—Birdtown Community. Beginning on Marker No. 690 set on the northwest side of U.S. Highway No. 19, 29 feet from C.L. at the east edge of a 5' x 8' boulder. This point believed to be on the east line of Lot No. 11 Temple Survey 1876 and the east line of the 2-acre tract conveyed to the U.S. Government January 31, 1910. This point also believed to be N. 34°28' W. 17.5 feet from the original corner of the 2-acre tract as the railroad has been removed and the corner being destroyed by the construction of U.S. Highway No. 19, and running N. 34°28' W. 230 feet to Marker No. 691 set on a fence line (said fence line believed to be the east line of Lot No. 11 Temple Survey 1876). Thence with a fence line S. 52°04' W. 276 feet to Marker No. 692 set on the fence line extended on the west R/W line of BIA Road No. 38, 14.3 feet N. 68° W. from a 20-inch sycamore tree. Thence with said R/W line S. 28°52' E. 218.1 feet to Marker No. 693 set at the intersection point of west R/W line of BIA Road No. 38 and the north R/W line of U.S. highway No. 19, 37.8 feet S. 41° E. from a steel flagpole. Thence with R/W line of Highway No 19, N. 56°04' E. 149.1 feet to a point. Thence N. 53°35' E. 147.7 feet to Marker No. 690 the point of beginning. Containing 1.47 acres more or less.

Parcel No. 4—Birdtown Community. Beginning on Marker No. 692 set on west R/W line of BIA Road No. 38 and 14.3 feet N. 68° W. from a 20-inch sycamore tree and running S. 52°04' W. 70.7 feet to a point "A" set on back schoolhouse lawn and is POL with Marker No. 692 and Marker No. 691. Thence S. 37°56' E. 211.5 feet to point "B" set on the north R/W line of U.S. Highway No. 19. Thence with said R/W line N. 58°06' E. 36.6 feet to Marker No. 693 set on intercection point of the west R/W line of BIA Road No. 38 and the north R/W of U.S. Highway No. 19. Thence with west R/W of BIA Road No. 38, N. 28°52' W. 218.1 feet to Marker No. 692 the point of beginning. Containing 0.26 acre more or less.

Part of Parcel No. 60—Upper Cherokee Community. Beginning on Marker No. 524 set in the Upper Cherokee Community on the northwest side of a footpath 5 feet from center of path, N. 64° W. 13.1 feet from a 5-foot high vertical rock, N. 12° W. 45 feet from the C.L. of a bridge over a small drain, S. 14° W. 10 feet from the south end of an 8-inch culvert and running S. 01°00' W. 400 feet to a 1-inch steel pipe driven on a fence line and being a POL between Marker No. 524 and G.L.O. Corner No. 3. Thence running with a fence line S. 72°36' E. 180.8 feet to a point. Thence S. 87°00' E. 142 feet to a point. Thence S. 85°49' E. 155.7 feet to a point. Thence N. 52°50' E. 129.3 feet to a 1-inch steel pipe driven as a POL between Markers Nos. 524, 1796, 620, 621, 525, and 526, approximately 30 feet southwest of a branch. Thence N. 55°20' W. 694.3 feet to Marker No. 524, the point of beginning. Containing 3.3 acres more or less.

LOUIS R. BRUCE,
Commissioner.

[FR Doc.71-8860 Filed 6-24-71;8:45 am]

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Call for Nominations of Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR Part 3300, notice is hereby given that nominations of areas for prospective oil and gas leasing in the Outer Continental Shelf off the entire coast of the State of Louisiana as shown upon official leasing maps and which were awarded to the United States by the Supplemental Decree of the Supreme Court, entered December 13, 1965, in the United States v. Louisiana, No. 9, Original (382 U.S. 288), or included in Zone 3 as described in the Interim Agreement of October 12, 1956, between the United States and the State of Louisiana, may be submitted to the Director, Bureau of Land Management, Washington, D.C. 20240, not later than August 9, 1971. Copies of nominations should be sent to the Manager, New Orleans Outer Continental Shelf Office, Bureau of Land Management, Post Office Box 53226, New Orleans, LA 70150, and to the Regional Oil and Gas Supervisor, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, LA 70002. Envelopes should be marked, "Nominations of Leasing in the Outer Continental Shelf—Louisiana."

Official leasing maps in a set of 26 maps, and a cover sheet showing leasing blocks off Louisiana, may be purchased at $5 per set from the Manager, New Orleans Outer Continental Shelf Office at the above address, or the Manager, Eastern States Land Office, 7981 Eastern Avenue, Silver Spring, MD 20910. Whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

Official leasing map No. LA-Map No. 3D, South Marsh Island Area North Addition, approved April 16, 1971, will be included in the set of 26 maps and a cover sheet showing leasing areas off Louisiana. On Map No. 3D, only entire blocks and those portions of fractional blocks that are more than 9 geographical miles seaward from the coastline points defined in the Supplemental Decree of December 13, 1965, United States v. Louisiana (382 U.S. 288), and where the Decree does not pertain, to a line 9 geographical miles seaward of the mainland shore, are available for nomination at this time. The fractional blocks for which portions only are available are blocks 219, 220, 221, 229, 230, 231, 236, 241, 242, 243, 252, and 253.

Any areas selected for competitive bidding will be published in the FEDERAL REGISTER and the published notice of lease offers will state the conditions and

terms for leasing and the place, date, and hour at which bids will be received and opened.

JOHN O. CROW,
Acting Director,
Bureau of Land Management.

Approved: June 21, 1971.

HARRISON LOESCH,
Assistant Secretary
of the Interior.

[FR Doc.71-9000 Filed 6-24-71;8:51 am]

Fish and Wildlife Service

ST. MARKS NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on September 24, 1971, at the Federal Savings and Loan Association Building, 440 North Monroe, Tallahassee, FL, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the St. Marks Wilderness proposal within the National Wilderness Preservation System. The wilderness proposal consists of approximately 11,800 acres within St. Marks National Wildlife Refuge, and is located in Taylor, Jefferson, and Wakulla Counties, State of Florida.

A brochure containing a map and information about the St. Marks Wilderness proposal may be obtained from the Refuge Manager, St. Marks National Wildlife Refuge, Post Office Box 68, St. Marks, FL 32355, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by October 26, 1971.

J. P. LINDUSKA,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

JUNE 23, 1971.

[FR Doc.71-9059 Filed 6-24-71;8:53 am]

SMITH ISLAND, JONES ISLAND, MATIA ISLAND, AND SAN JUAN NATIONAL WILDLIFE REFUGES

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on August 28, 1971, in the Anacortes City Council Chambers, Sixth and Q Streets, Anacortes, WA, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior, regarding the desirability of including the proposed San Juan Islands Wilderness within the National Wilderness Preservation System. The proposal consists of approximately 28 acres within the Matia Island and San Juan National Wildlife Refuges.

The wilderness study which led to this proposal involved all lands within the Smith Island, Jones Island, Matia Island, and San Juan National Wildlife Refuges, and 74 islands and rocks which have been proposed for addition to these refuges, all located within San Juan, Island, Skagit and Whatcom Counties, Wash. The suitability or nonsuitability of this entire 648-acre area for consideration as wilderness will be discussed at the hearing.

A brochure containing a map and information about the San Juan Islands Wilderness proposal may be obtained from the Refuge Manager, Willapa National Wildlife Refuge, Ilwaco, Wash. 98624 or the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 3737, Portland, OR 97208.

Individuals or organizations may express their oral or written views by appearing at the hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by September 28, 1971.

J. P. LINDUSKA,
Acting Director, Bureau of
Sport Fisheries and Wildlife.

JUNE 23, 1971.

[FR Doc.71-9060 Filed 6-24-71;8:53 am]

Office of the Secretary

COAL MINE HEALTH AND SAFETY

Departmental Survey

Notice is hereby given that the Secretary of the Interior has directed the Office of Hearings and Appeals to conduct a series of public meetings for the purpose of compiling information with respect to the Department of the Interior's implementation and enforcement of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. sec. 801 et seq. (Supp. V, 1969). It is the responsibility of the Office of Hearings and Appeals to assemble all facts, views, and relevant data regarding the administration and enforcement of the Act by the Bureau of Mines as well as suggestions and recommendations to make the Department's administration of the Act more effective.

The first public meeting will commence at 9:30 a.m., on July 1 and 2, 1971, in the auditorium of the Department of the Interior, C Street between 18th and 19th Streets, NW., Washington, D.C.

All interested individuals, including miners, representatives of miners, labor officials, coal mine operators, associations, equipment manufacturers, mining engineers, mining educators, state mining officials, elected officials, and other public officials, who wish to speak at the meeting are requested to contact the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203 (telephone 703-557-1500) by 5:00 p.m., June 29, 1971. Written comments from those unable to attend the meeting and from those wishing to supplement their oral presentation at the meeting should be addressed to the Director, Office of Hearings and Appeals, at the above address. The Department will accept such written comments until July 16, 1971. All written statements and comments received pursuant to this notice will be included in the first survey submitted to the Secretary.

Verbal statements at the meeting will be limited to 10 minutes. The oral statements may be supplemented by a more complete written statement at the time of the presentation of the verbal statement or mailed to the Director, as provided above. To the extent that time is available after presentation of the verbal statements by those who have given advance notice, the Director will give others present an opportunity to be heard.

Subsequent public meetings will be announced in the press and FEDERAL REGISTER.

Dated: June 24, 1971.

JAMES M. DAY,
Director, Office of Hearings
and Appeals.

[FR Doc.71-9129 Filed 6-24-71;11:33 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

BOSTON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-0074-33-43780. Applicant: Boston University, Department of Biology, 2 Cummington Street, Boston, MA 02215. Article: Osmometer, Type HO

66. Manufacturer: Simonsen & Weel, Denmark.

Intended use of article: The article will be used for research on the determination of colloidal osmotic pressure of blood, blood substitutes, and other physiological solutions.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has the capability of accepting samples less than 30 cubic centimeters in volume. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 20, 1970, that the characteristic of the foreign article described above is pertinent to the applicant's research studies. HEW further advises that it knows of no domestically manufactured instrument that provides the pertinent characteristic.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8937 Filed 6-24-71;8:45 am]

CARNEGIE-MELLON UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00073-01-42900. Applicant: Carnegie-Mellon University, Department of Chemistry, 4400 Fifth Avenue, Pittsburgh, PA 15213. Article: Superconductive magnet system. Manufacturer: Oxford Instrument Co., United Kingdom.

Intended use of article: The article will be used in a program of nuclear chemistry research. The main application will be in Mössbauer effect experiments to study hyperfine interactions in crystals of transition metals, particularly iron, and rare-earth salts. Investigations of paramagnetic relaxation phenomena, magnetic ordering, and quadrupole coupling are to be carried out.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 30, 1969).

Reasons: The captioned application is a resubmission of Docket No. 70-00314-01-42900 which was denied without prejudice to resubmission due to informational deficiencies described therein. The foreign article is a custom-built magnet system which provides aluminized mylar windows. The most closely comparable domestic custom-built magnet system was offered by the Magnion Division of the Ventron Instrument Company (Magnion). The Magnion system was not offered with alumnized mylar windows.

We are advised by the National Bureau of Standards in its memorandum dated November 19, 1970, that the aluminized mylar windows on the magnet are pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find that the custom-built Magnion magnet system was not of equivalent scientific value to the foreign article, for those purposes for which the foreign article is intended to be used at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8938 Filed 6-24-71;8:45 am]

COLUMBIA UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00116-33-46070. Applicant: Columbia University, Department of Anatomy, 630 West 168th Street, New York, NY 10032. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used for research concerning studies of developmental problems, including investigations of human and animal chromosomes in normal and in genetically altered individuals; studies on physiological alterations, such as those of the microvilli or cilia of the intestine, placenta, choroid plexus and ependyma; studies on the vascular and hemopoietic system; and for studies of surface structure on various tissue components, such as the contours of collagenous and elastic fibers, of epithelial scales and their derivatives, and of the hard tissues of bone and teeth.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an 18° focussed and 11° collimated 2 theta deflection of the beam which permits the production of meaningful pseudo Kikuchi patterns, whereas the published specifications of available domestic scanning electron microscopes do not indicate a similar capability. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated December 15, 1970, that the capability of providing meaningful pseudo Kikuchi patterns is pertinent to the applicant's research studies. HEW further advises that comparable domestic instruments are not known to provide this pertinent capibility. HEW cites as a precedent to the prior recommendation of the National Bureau of Standards relating to Docket No. 70-00438-65-46070 which conforms in many particulars to the captioned application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8939 Filed 6-24-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00306-33-46070. Applicant: U.S. Department of Agriculture National Animal Disease Laboratory, Post Office Box 70, Ames, IA 50010. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom.

Intended use of article: The article will be used in a research program in animal disease to characterize animal tissues and microbial agents. The tissues and agents will be varied as to physical qualities and physiognomy. Included are such diverse specimens as bone; blood cells; a variety of bacterial agents; fungal thalli and spores; certain algae and higher plant materials; and complexes of particulate antigens and antibodies.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with an ion etching attachment which permits visualization of the subsurface characteristics of a specimen by etching away the structures at the surface. In addition, the article is equipped with a dual diffusion pump system which permits the vacuum in the column and the specimen chamber to be independently maintained. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated March 19, 1971, that both of the characteristics of the article described above are pertinent to the applicant's research studies. HEW further advises, that it knows of no domestically manufactured scanning electron microscope that provides both of the pertinent characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8940 Filed 6-24-71;8:45 am]

INSTITUTE FOR MUSCLE DISEASE, INC.

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce Washington, D.C.

Docket No. 71-00031-33-11000. Applicant: Institute for Muscle Disease, Inc., 515 East 71st Street, New York, NY 10021. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used to study the sterol and steroid composition of tissues from normal animals (including human subjects) and those afflicted with muscular dystrophy. Defined muscle sections and the nerves which lead to these will be studied to determine their steroid and sterol profiles.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are domestic manufacturers which are in a position to offer to supply some of these components to be combined with a component (or with components) produced by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of § 602.1(e) of the regulations, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit, and (b) establish through appropriate test procedures the performance specifications of the chromatographic and spectrometric functions as a single unit. (See decisions on Docket No. 67-00108-33-11000, 33 F.R. 597, Jan. 17, 1968; Docket No. 68-00516-01-11000, 33 F.R. 11097, Aug. 3, 1968 and Docket No. 69-00446-01-11000, 34 F.R. 13336 and 13337, Aug. 16, 1969.)

We note that two instruments meeting these criteria are being manufactured in the United States—the Model 1015 manufactured by Finnigan Instrument Corp. (Finnigan), and the Model 270 GC-DF manufactured by Perkin-Elmer Corp. (P-E). A comparison of the Finnigan Model 1015 with the foreign article shows that this domestic instrument has a specified sensitivity of 100 nanograms of cholesterol injected into the gas chromatograph column, whereas the foreign article has a specified sensitivity of 10 nanograms of cholesterol injected into the gas chromatograph column. This indicates that the foreign article can produce a meaningful spectrum with the Finnigan Model 1015 and that the sensitivity of the foreign article exceeds that of this domestic instrument by a factor of 10. It is also noted that the foreign article can achieve this sensitivity with a corresponding resolution of 750 at a 10 percent valley definition, where as the Finnigan Model 1015 has a maximum specified resolution that is equivalent to 500 at the 10 percent valley definition.

The quoted specification for the sensitivity of the P-E Model 270 GC-DF is "less than 3 x 10^{-9}gram/second of methyl stearate will produce a spectrum with a signal-to-noise ratio substantially greater than 1 at parent mass peak, for 1 second/decade scan rate." On the basis of these specifications, the sensitivity of the foreign article exceeds that of the P-E Model 270 GC-DF by a factor of 500.

We are advised by the Department of Health, Education, and Welfare in its memorandum dated November 20, 1970, that the sensitivity of the foreign article is pertinent to the applicant's research studies.

For this reason, we find that neither of the two domestic instruments cited above is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other combination of instruments being manufactured in the United States and being offered as a functionally integrated single instrument, which is of equivalent scientific value to the foreign article, for the purpose for which this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8941 Filed 6-24-71;8:45 am]

MASSACHUSETTS GENERAL HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00091-33-43780. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, MA 02114. Article: Total hip joint replacements, 10 each. Manufacturer: Protek Ltd., Switzerland.

Intended use of article: The purposes for which the articles are intended to be used are for a study and scientific assessment of hip reconstructions, using total hip replacement in contrast to previously existing modes of reconstructive hip surgery.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The article is a combination of the Charnley apparatus which combines a metal femoral head prosthesis with a head diameter of 32 millimeters and a high density polyethylene acetabulum which accepts only this size head, and the Mueller apparatus which has a larger femoral head size and an acetabular component made of metal but with three polyethylene bearing points in the cup.

We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 29,

1971, that the combination of characteristics described above is pertinent to the purposes for which the article is intended to be used. HEW further advises, that it knows of no equivalent prosthesis which is being manufactured in the United States which provides the pertinent combination of characteristics.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8942 Filed 6-24-71;8:46 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00012-98-46040. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic NVD., The Netherlands.

Intended use of article: The article will be used for research concerning electron energy analysis within the electron microscope, which will be modified by the insertion of an electron analyzer of the magnetic prism type below the objective lens. Experiments include microanalysis of various two-phase materials by imaging electrons which have lost characteristic amounts of energy in passing through a thin specimen; "no energy loss" image studies of biological tissue sections; and plasmon interaction as a function of crystal orientation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant intends to use the foreign article for "no energy loss" image studies of biological tissues. For this purpose, it is necessary to modify an electron microscope by inserting an electron energy analyzer below the objective lens of the instrument. The foreign article's design permits the separation of the column at the level of the objective lens.

We are advised by the National Bureau of Standards in its memorandum of September 28, 1970, that this characteristic of the foreign article is pertinent to the purposes for which the article is intended to be used. The most closely comparable domestic instrument is the Model EMU-4B which is manufactured by the Forgflo Corp. NBS advises us in the above-cited memorandum that the Forgflo Model EMU-4B cannot be separated at the level of the objective lens without cutting a shield. This operation is not recommended by the domestic manufacturer.

NBS further advises that a more important consideration is that the insertion and removal of the electron energy analyzer in the model EMU-4B involves dismantling the column down to the intermediate lens each time the analyzer is inserted or removed.

For the foregoing reasons, we find that the Forgflo Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8943 Filed 6-24-71;8:46 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00153-65-46070. Applicant: Massachusetts Institute of Technology, Charles Stark Draper Laboratory, 68 Albany Street, Cambridge, MA 02139. Article: Scanning electron microscope, Model Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom.

Intended use of article: The article will be used to advance the development of, and to refine the performance of, gas bearing developed in the applicant's laboratory. To advance the state of the art of gas bearing fabrication, more knowledge is required with respect to the structure of materials used, machining and measuring techniques, and the quality of bearing geometry and surface finish.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article permits the production of meaningful patterns for pseudo-Kikuchi orientation analysis. We are advised by the National Bureau of Standards (NBS) in its memorandum dated January 21, 1971, that the ability to perform pseudo-Kikuchi orientation analysis is pertinent to the applicant's intended purposes.

NBS further advises, that it knows of no comparable domestically manufactured instrument that can be used for all of the applicant's intended purposes.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8944 Filed 6-24-71;8:46 am]

MEDICAL COLLEGE OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00218-33-46040. Applicant: The Medical College of Pennsylvania, Department of Microbiology, 3300 Henry Avenue, Philadelphia, PA 19129. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for investigations concerning the interrelationship of potential human oncogenic viruses with mammalian cells and the role of biologically active proteins (such as interferon) on influencing these interactions. Graduate and medical students and postdoctoral fellows will learn current techniques employed in ultrastructural research in the fields of oncology and cell biology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corp. The Model EMU-4C

has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 22, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8945 Filed 6-24-71;8:46 am]

NORTHWESTERN UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00105-33-46040. Applicant: Northwestern University Medical School, Department of Dermatology, 303 East Chicago Avenue, Chicago, IL 60611. Article: Electron microscope, Model HS-7S. Manufacturer: Hitachi, Ltd., Japan.

Intended use of article: The article will be used for research studies on developing a method for localizing kinases, especially phosphofructokinase; location of tissue forms of sporotrichium in clinically infected material; herpes simplex virus in smears; and for the use of combined electron microscopy and immuno-chemical techniques to localize the exact site of antibodies in pemphigus. Medical and graduate students will use the electron microscope in courses entitled "Fine Structure of the Epidermis", "The Desmosome intercellular substance and basal lamina", and "Dermatohistopathology."

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (March 13, 1967).

Reasons: Captioned application is a resubmission of Docket No. 67-00061-33-46040 which was received on May 8, 1967, and denied without prejudice to resubmission due to informational deficiencies contained therein. The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4 electron microscope manufactured by the Forgflo Corp. The Model EMU-4 electron microscope was a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated December 15, 1970, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes.

We, therefore, find that the Model EMU-4 electron microscope was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8946 Filed 6-24-71;8:46 am]

PURDUE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00057-33-30950. Applicant: Purdue University, Lafayette, Ind. 47907. Article: Freeze-etching specimen preparation apparatus consisting of freeze unit, ultramicrotome, etching unit and coating unit. Manufacturer: Balzers High Vacuum Corp., Liechtenstein.

Intended use of article: The article will be used for research on the structure of membraneous and fibrillar structures inside cells and the cell walls or outer layers. The projects involve the direct observation of fracture surfaces in cells and in isolated parts of the cell and also, modification of the original structure by removal or addition of components and study of the consequent modification in fracture pattern.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is designed for performing the freeze etching technique and incorporates a microtome which provides the capability of multiple cuts per specimen. We are advised by the Department of Health, Education, and Welfare in its memorandum dated November 20, 1970, that the characteristics of the article described above are pertinent to the purposes for which the foreign article is intended to be used. HEW, further advises, that it knows of no domestic instrument that can be used for the applicant's purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 71-8947 Filed 6-24-71;8:46 am]

SOUTHERN ILLINOIS UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00061-33-46040. Applicant: Southern Illinois University, School of Dental Medicine, Edwardsville, IL 62025. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronics NVD, The Netherlands.

Intended use of article: The article will be used for experiments involving the analysis of the subcellular particles isolated by ultracentrifugation from reproductive tissue and salivary glands as well as submicrosomal particles isolated from these specimens; histochemical techniques for the localization of enzyme systems associated with steroid biosynthesis and transformations; and for studies of crystallinity relationships in dental enamel and various dental materials.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes at this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides both a 20-kilovolt accelerating voltage and an externally controlled anode-cathode spacing. The most closely comparable domestic instrument is the Model EMU-4C manufactured by Forgflo Corp. The Model EMU-4C provides upon request a 20-kilovolt accelerating voltage, but not an externally controlled anode-cathode spacing.

We are advised by the Department of Health, Education, and Welfare in its memorandum dated November 20, 1970, that both 20-kilovolt accelerating voltage and an externally controlled anode-cathode spacing are pertinent to the purposes for which the foreign article is intended to be used.

We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8949 Filed 6-24-71;8:46 am]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00050-33-43400. Applicant: Research Foundation of the State University of New York, 3435 Main Street, Buffalo, NY 14214. Article: Stepping micromanipulator with various stereotaxic frames. Manufacturer: AB Transvertex, Sweden.

Intended use of article: The article will be used for recording extremely accurate and carefully controlled movements of microelectrodes in the brains of living, anesthetized animals. Research concerns the nervous system in all the applicant's investigations.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an extremely accurate and carefully controlled movements of recording microelectrodes in the nervous system of living animals. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 20, 1970, that these characteristics are pertinent to the purposes for which the foreign article is intended to be used. HEW further advised, that it knows of no comparable apparatus being manufactured in the United States, which provides these characteristics to the degree required by the applicant to achieve the purposes for which the foreign article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8948 Filed 6-24-71;8:46 am]

STATE UNIVERSITY OF NEW YORK

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et. seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00111-01-40500. Applicant: State University of New York at Binghamton, Vestal Parkway, Binghamton, NY 13901. Article: Michelson Interferometer, Manufacturer: SOPRA, France.

Intended use of article: The article will be used to calibrate the spectrum given by the applicant's "Hypeac" (Fabry-Perot photoelectric spectrometer).

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability to make wave length measurements to 0.0001 angstrom (Å). We advised by the National Bureau of Standards (NBS) in its memorandum dated December 7, 1970, that the capability to make wave length measurements to 0.0001 Å is a pertinent characteristic of the foreign article. NBS further advises that it knows of no domestically available apparatus that can be used for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 71-8950 Filed 6-24-71;8:46 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00109-41-35550. Applicant: University of California, Santa Barbara, Calif. 93106. Article: Gyro, Phywe model. Manufacturer: Phywe Aktiengellschaft, West Germany.

Intended use of article: The article will be used as an educational instrument to demonstrate the phenomenon of gyrodynamics in a broad sense. Gyrodynamics will not be limited to gyroscopic instruments which represent the simplest application of gyrodynamic theory, but will be interpreted to cover the broader field of rigid body motions. Experimental demonstrations of the many gyrodynamical phenomena will be covered in five graduate courses in Advanced Dynamics, Nonlinear Mechanics, and Advanced Astrodynamics by using the gyro.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (May 29, 1969).

Reasons: The captioned application is a resubmission of Docket No. 70-00263-41-35550 which was denied without prejudice to resubmission due to informational deficiencies in the original application. The foreign article provides ease of observation at slow-speeds with the capability of being used to demonstrate how a system is statically unstable, but dynamically stable can be made unstable by the inclusion of damping, as well as the capability of being used to demonstrate large, slow angular excursions from 0 to 180°. The most closely comparable domestic instruments available at the time the foreign article was ordered were the gyros of the Sperry Gyroscope Division (Sperry), Great Neck, N.Y., and the model series, Mitac manufactured by

Central Scientific Co., Chicago, Ill. Neither the Sperry gyros nor Mitac provides slow speeds or the capability of being used to demonstrate how a system which is statically unstable, but dynamically stable can be made unstable by the inclusion of damping or the capability of being used to demonstrate large slow angular excursions from 0 to 180°.

We are advised by the National Bureau of Standards in its memorandum dated January 28, 1971, that these characteristics of the article are pertinent to the purposes for which the foreign article is intended to be used.

For this reason, we find, that the Mitac was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time the foreign article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8952 Filed 6-24-71;8:46 am]

UNIVERSITY OF CALIFORNIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00083-33-11000. Applicant: University of California, San Diego, Division of Metabolic Disease, Basic Science Building, Room 4054, La Jolla, CA 92037. Article: Gas chromatograph-mass spectrometer, Model LKB 9000. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for studies concerning the biochemical basis of phytanic acid storage disease; sterol and steroid hormone metabolism; inborn errors of metabolism, particularly those that are manifest early in life; a new class of chlorinated lipids; and for studies of a key process involved in coagulation of blood, namely, the formation of the fibrin clot.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a single unit in which the functions of a gas chromatograph, molecular separator (or interface) and a mass spectrometer have been integrated. There are domestic manufacturers which are in a position to offer to supply some of these components to be combined with a component (or with components) produced by another domestic manufacturer. However, this is not considered to constitute a "reasonable combination of instruments" within the purview of § 602.1(e) of the regulations, unless (a) the domestic manufacturer offering to furnish the combination undertakes to functionally integrate the instruments as a single operating unit and (b) establish through appropriate test procedures the performance specifications of the chromatographic and spectrometric functions as a single unit. (See decisions on Docket No. 67-00108-33-11000, 33 F.R. 597, Jan. 17, 1968; Docket No. 68-00516-01-11000, 33 F.R. 11097, Aug. 3, 1968 and Docket No. 69-00446-01-11000, 34 F.R. 13336 and 13337, Aug. 16, 1969.)

We note that two instruments meeting these criteria are being manufactured in the United States—the Model 1015 manufactured by Finnigan Instrument Corp. (Finnigan), and the Model 270 GC-DF manufactured by Perkin-Elmer Corp. (P-E). A comparison of the Finnigan Model 1015 with the foreign article shows that this domestic instrument has a specified sensitivity of 100 nanograms of cholesterol injected into the gas chromatograph column, whereas the foreign article has a specified sensitivity of 10 nanograms of cholesterol injected into the gas chromatograph column. This indicates that the foreign article can produce a meaningful spectrum with a sample of one-tenth of that required to produce a meaningful spectrum with the Finnigan Model 1015 and that the sensitivity of the foreign article exceeds that of this domestic instrument by a factor of 10. It is also noted that the foreign article can achieve this sensitivity with a corresponding resolution of 750 at a 10 percent valley definition, whereas the Finnigan Model 1015 has a maximum specified resolution that is equivalent to 500 at the 10 percent valley definition.

The quoted specification for the sensitivity of the P-E Model 270 GC-DF is "less than 3×10^{-9} gram/second of methyl stearate will produce a spectrum with a signal-to-noise ratio substantially greater than 1 at parent mass peak, for 1 second/decade scan rate." On the basis of these specifications, the sensitivity of the foreign article exceeds that of the P-E Model 270 GC-DF by a factor of 500.

We are advised by the Department of Health, Education, and Welfare in its memorandum dated November 15, 1970, that the sensitivity of the foreign article is pertinent to the applicant's research studies.

For this reason, we find that none of the three domestic instruments cited above is of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other combination of instruments being manufactured in the United States and being offered as a functionally integrated single instrument, which is of equivalent scientific value to the foreign article, for the purposes for which this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8953 Filed 6-24-71;8:47 am]

UNIVERSITY OF MONTANA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00078-22-43000. Applicant: University of Montana, Missoula, Mont. 59801. Article: Magnetometer, Model GM-102A. Manufacturer: Barringer Research, Ltd., Canada.

Intended use of article: The article will be used to study the magnetism of rocks; the distribution of iron-bearing minerals in rocks within the first 25 km. of the earth's surface, and the geomagnetic field; and for standard operation of the magnetometer to measure the strength of the earth's magnetic field at discrete points on the earth's surface (including water surfaces). Educational uses include four courses, Introduction to Geophysics, Magnetic and Electrical Fields of the Earth, Senior Problems in Geophysics—and Thesis for graduate students electing to do thesis work in the area of geomagnetism.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 1968).

Reasons: Captioned application is a resubmission of Docket No. 69-00411-22-43000 which was denied without prejudice to resubmission because of informational deficiencies contained therein. The foreign article is a portable proton magnetometer which provides the capability for absolute magnetic field measurements. The capability for absolute magnetic field measurements is pertinent to the purposes for which the article is intended to be used.

We are advised by the National Bureau of Standards in its memorandum dated March 23, 1971, that it knows of no scientifically equivalent domestically manufactured proton magnetometer which was available at the time the article was ordered.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8954 Filed 6-24-71;8:47 am]

UNIVERSITY OF PENNSYLVANIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00107-65-46070. Applicant: Trustees of the University of Pennsylvania, Purchasing Department, 3451 Walnut Street, Philadelphia, PA 19104. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics Laboratory Co., Ltd., Japan.

Intended use of article: The article will be used for research on the structure of bone and teeth, fractography of bone and piezo-electric effects of bone under load; a study of fatigue crack propagations theories; and for a study of the morphology of cracks and deformation bands in polymers. A graduate level course will be given in the School of Metallurgy and Material Science to teach students how to use the microscope, prepare specimens, take photographs, and analyze the data.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with a solid pair detector system which allows discrimination between the compositional and topographical components of the backscattered image and permits the display of these two components independently of one another.

We are advised by the National Bureau of Standards in its memorandum dated January 22, 1971, that the characteristic of the article described above is pertinent to the applicant's research studies. NBS further advises that it knows of no comparable domestic instrument which is equipped with a scientifically equivalent detector system.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8951 Filed 6-24-71;8:46 am]

UNIVERSITY OF ROCHESTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00027-33-46040. Applicant: The University of Rochester, School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, NY 14620. Article: Electron microscope, Model AEI EM801. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for research projects on the morphological changes in axons electrically stimulated; the structure of electrical synopses; the details of the fine structure of triadic junction in vertebrate striated muscle fibers; and for a study of the structure of sensitive endings in the crayfish stretch receptor.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is equipped with a tilt stage having a guaranteed resolving power of 5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is currently being produced by Forgflo Corp. (Forgflo). The Model EMU-4B can be equipped with a tilt stage but the guaranteed resolving power of this stage is 8 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving power.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated November 13, 1970, that the guaranteed resolving power of the tilt stage of the foreign article is pertinent to the applicant's research studies. We, therefore, find that the Model EMU-4B electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for the purposes for which such article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8955 Filed 6-24-71;8:47 am]

UNIVERSITY OF TEXAS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00077-33-45300. Applicant: The University of Texas at Houston, M. D. Anderson Hospital and Tumor Institute, 6723 Bertner, Houston, TX 77025. Article: Electron microprobe, Model MS-46. Manufacturer: CAMECA, France.

Intended use of article: The article will be used to measure all of the important elements (at the atomic level) in the periodic table which comprise the structure of all of the tissues of the human body. Research concerns the study of cancer and allied diseases.

Comments: Comments dated September 10, 1970, were received from the Materials Analysis Co. (MAC), Palo Alto, Calif., which alleges inter alia, that the MAC electron microprobe equipped with a transmission scanning attachment is superior to the foreign article for the purposes for which the article is intended to be used.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant specifies among other things the capability of attaining a resolution of 100 angstroms or better with a magnification of 10,000 diameters or better, with a transmission electron microscope. The foreign article is equipped with a transmission electron microscope. In its comments (page 2, paragraph 3) MAC states that it does not provide a transmission electron microscope accessory for its electron microprobe. MAC offers instead a transmission scanning attachment with "approximately 100 to 200 Å in the transmission scanning electron mode", the magnification being maximum at 50,000 diameters. MAC also asserts (page 2, paragraph 1) that "in order to have adequate penetration of a specimen with an electron beam of only 40 kv., as the Cameca instrument provides, an extremely thin specimen is required in order to image the object with any reasonable intensity and resolution be visible on the fluorescent screen."

In its memorandum dated December 4, 1970, the Department of Health, Education, and Welfare (HEW), in regard to MAC's assertion, states: "This may be true for resolutions in the neighborhood

of 10 Å, however, the application does make clear that a transmission electron microscope capable of 100 A with a magnification of 10,000× is a necessary component for the studies. This resolution and magnification can be readily obtained on relatively thick sections at 40-kv. accelerating voltage."

We, therefore, find that the MAC electron microprobe equipped with a transmission scanning attachment is not of equivalent scientific value to the foreign article when equipped with the transmission electron microscope.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 71-8956 Filed 6-24-71;8:47 am]

UNIVERSITY OF VERMONT

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00030-01-07500. Applicant: University of Vermont, Burlington, Vt. 05401. Article: Precision calorimetry system. Manufacturer: LKB Produkter A.B., Sweden.

Intended use of article: The article will be used for research concerning the heats of hydration of crystal hydrates by direct solution calorimetry; the energetic of a hydrogen bond formation by titration calorimetry; and the heats of complexation by reaction calorimetry. Undergraduate and graduate students will be introduced to research methods in chemistry courses.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability of utilizing sealable ampoules. The most closely comparable domestic instrument is the thermometric titrator manufactured by Tronac, Inc. (Tronac). The Tronac tritrator does not provide the capability of utilizing sealable ampoules. The National Bureau of Standards (NBS) in its memorandum dated February 8, 1971, advises us that the capability of utilizing sealable ampoules is pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the Tronac thermometric titrator is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8958 Filed 6-24-71;8:47 am]

UNIVERSITY OF VIRGINIA

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00016-01-77040. Applicant: University of Virginia, Department of Chemistry, Charlottesville, Va. 22901. Article: Mass spectrometer, Model MS-902. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom.

Intended use of article: The article will be used for research concerning the structure elucidation of natural products; structure determination of products and intermediates produced in synthetic organic and inorganic chemistry; isotopic labeling studies; and for analysis of cell membrane constituents, components in biological fluids, drug metabolites and pesticides.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a guaranteed resolution of 70,000 at a 10 percent valley definition. The most closely comparable domestic instrument is the Model 21-110B mass spectrometer which is manufactured by the Consolidated Electrodynamics Corp. (CEC). The Model 21-110B provides a guaranteed resolution of 40,000 at the 10 percent valley definition. We are advised by the Department of Health, Education, and Welfare in its memorandum dated October 30, 1970, that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used. The National Bureau of Standards, in its memorandum of October 19, 1970, also advised us that the additional resolving capability of the foreign article is pertinent to the purposes for which the article is intended to be used. For this reason, we find that the CEC Model 21-110B is not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8957 Filed 6-24-71;8:47 am]

YALE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00038-07520. Applicant: Yale University, 225 Prospect Street, New Haven, CT 06520. Article: Batch microcalorimeter LKB 10700-2B. Manufacturer: LKB Produkter, A.B., Sweden.

Intended use of article: The article will be used in the determination of the enthalpy changes in a wide variety of biochemical processes. Research studies concern the hydrolysis of a specific arginine-isoleucine bond in soybean trypsin inhibitor by trypsin, for comparison with the hydrolysis of a similar bond in the activation chymotrypsinogen A; antibody-antigen reactions; and the interaction of metal ions with human apocarbonic anhydrase, and of sulfonamide inhibitors with the apoenzyme.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a microcalorimetric system capable of providing a maximum sensitivity of 1 microcalorie. We are advised by the National Bureau of Standards (NBS) in its memorandum dated December 16, 1970, that the maximum sensitivity of the foreign article is pertinent to the applicant's intended purposes. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-8959 Filed 6-24-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19245]

USE OF AMATEUR STATIONS ON BEHALF OF NONAMATEUR ORGANIZATIONS

Order Extending Time for Filing Comments

In the matter of inquiry into the extent to which amateur stations should be used on behalf of nonamateur organizations; Docket No. 19245.

1. A petition filed by the American Radio Relay League, Inc. (ARRL), requests the Commission to extend the time for filing comments in the above-captioned matter (FCC 71-453), released on May 5, 1971. ARRL requests that the time for filing comments be extended from July 1 to August 31, 1971.

2. In support of its request, ARRL states that although Docket 19245 raises questions of utmost importance to the Amateur Radio Service its specifics will not be circulated until publication of the July issue of its magazine "QST," and that by having the full text of the notice most interested amateurs will be in a better position to express their views.

3. It appears that the additional time requested by the petitioner would not unduly delay consideration of this matter and that further comments would be useful to the Commission.

4. *Accordingly, it is ordered,* Pursuant to § 0.331(b)(4) of the Commission's rules, that the time for filing comments in the above-captioned proceeding is extended to August 31, 1971.

Adopted: June 16, 1971.

Released: June 17, 1971.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.71-9026 Filed 6-24-71;8:53 am]

[Report No. 549]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 21, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

7064-C2-P-(3)71—The Pacific Telephone & Telegraph Co. (KMA744), C.P. for additional facilities to operate on frequency 454.475 MHz base and 459.475 MHz test at location No. 2: 1587 Franklin Street, Oakland, CA, and add frequency 454.475 MHz base at location No. 3: Daly City Reservoir No. 5, near Palisades Drive and Westmoor Drive, Daly City, Calif.

7065-C2-TC-71—New Jersey Mobile Telephone Co., Inc. Consent to transfer of control from Pye Communications, Inc., Transferor, to Radiofone Corp., Transferee. Station KEK290, Boonton, N.J.

7080-C2-AL-(7)71—Golden West Telephone Co. Consent to assignment of license from Golden West Telephone Co., Assignor, to Continental Telephone Co. of California, Assignee. Stations: KMM598 Parker Dam, Calif.; KMM635 Dos Palos, Calif.; KMM637 Blythe, Calif.; KMM638 Exeter, Calif.; KMM669 Weaverville, Calif.; KMM670 Garberville, Calif.; KMM681 Willow Creek, Calif.

7083-C2-P-71—Menter Radio Service (New), C.P. for a new 1-way station to be located at Route 49, Volney Road, 0.4 mile northeast of Fulton, N.Y. to operate on frequency 35.22 MHz.

7084-C2-P-71—AAA Answerphone, Inc.—Jackson (New), C.P. for a new 2-way station to be located at Highway No. 84, east of Brookhaven, Miss., to operate on frequency 152.03 MHz.

7087-C2-P-71—Tel-Illinois, Inc. (New), C.P. for a new 2-way station to be located at the existing Water Tower, Belleville, Ill., to operate on frequency 454.275 MHz.

7172-C2-P-(2)71—The Bell Telephone Co. of Pennsylvania (KGB868), C.P. to increase the output power for existing channel 152.810 MHz and add a fourth channel on 152.660 MHz at station located at Hilltop, 3 miles southeast of Allentown, Pa.

7173-C2-P-(2)71—Robert S. Ditton (New), C.P. for a new 1-way station to operate on 158.70 MHz at location No. 1: Jump Off Joe Butte, 7 miles south of Kennewick, Wash., and operate on 454.350 MHz control at location No. 2: 611 West Columbia Street, Pasco, WA.

7177-C2-P-71—Hamilton Telephone Co. (KOP325), C.P. for additional facilities to operate on 152.810 MHz at a new site described as location No. 2: Southedge of Aurora City, Aurora, Nebr.

7186-C2-P-71—Golden West Telephone Co. (KMM638), C.P. for additional facilities to operate on frequency 454.525 MHz at station located at 2 miles east-southeast of Exeter, Calif.

7188-C2-TC-71—AAA Answerphone, Inc.—Jackson, Consent to transfer of control from John N. Palmer, Transferor, to Middle-South Communications System, Inc., Transferee, Station KRS705, Tupelo, Miss.

3921-C2-R-71—Pacific Northwest Bell Telephone Co. (KF2010), Renewal of license (Developmental) expiring July 1, 1971. Term: July 1, 1971 to July 1, 1972.

7194-C2-P-71—RAM Broadcasting of North Carolina, Inc. (New), C.P. for a new air-ground station to be located at the Planter's National Bank Building, 100 Southwest Main Street, Rocky Mount, N.C., to operate on 454.925 MHz base and 454.675 MHz signaling.

INFORMATIVE: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Virginia

RCC of Virginia, Inc. (KRS676), 4246-C2-MP-71.

Maryland

Radio Communications, Inc. (KGC583), 5011-C2-P-71.
Radio Communications, Inc. (KGC583), 5075-C2-P-71.

RURAL RADIO SERVICE

7081-C1-AL-(6)-71—Golden West Telephone Co. Consent to assignment of license from Golden West Telephone Co., Assignor to Continental Telephone Co. of California, Assignee. Stations: KRW89 Weitchpec, Calif.; KTF56 Parker Dam, Calif.; KTF57 Alamo Dam, Ariz.; WBO51 Parker, Ariz.; KNL54 Temp-Fixed; KNZ38 Temp-Fixed.

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above-alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

7088–C1–P–71—Upper Peninsula Telephone Co. (New), C.P. for a new rural subscriber station to be located at the National Park Service Headquarters, Mott Island, Mich., to operate on 157.83 MHz communicating with Station KQZ732 near Toivola, Mich.

7178–C1–P–71—General Telephone Co. of California (New), C.P. for a new rural subscriber station to be located at the Hermitage Lodge, north of Venice Ferry on Venice Island, Calif., to operate on 459.600 MHz communicating with station KLF497, Courtland, Calif.

7179–C1–P–71—The Mountain States Telephone & Telegraph Co. (KLV22), C.P. to change coordinates and elevation at 8 miles south-southeast of Pinon, N. Mex. (FAA Vortac Site), operating on 459.60 MHz communicating with station KLV21, South Franklin Mountain, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIERS)

7066–C1–P–71—American Telephone & Telegraph Co. (KQH36), C.P. to change point of communication from Cutlerville, Mich., to Ada, Mich., for frequencies 3730, 3810, 3890, and 3970 MHz and change frequencies 4030 and 4110 MHz to 4050 and 4130 MHz toward Ada in lieu of Cutlerville and add 4190 MHz toward Ada at its station 7 Fountain Street, Grand Rapids, MI.

7067–C1–P–71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 3.2 miles north of Ada, Mich. Frequencies: 3770, 3850, 3930, 4010, 4090, 4170, and 4198 MHz on azimuth 256°52′ and 117°22′.

7068–C1–P–71—American Telephone & Telegraph Co. (KQH35), C.P. to change point of communication from Cutlerville to Ada, Mich., for frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz and add 4190 MHz on azimuth 297°25′ at its station located 4 miles southeast of Saranac, Mich.

7069–C1–P–71—Cascade Utilities, Inc. (Formerly: Estacada Telephone & Telegraph Co.) (New), Resubmitted C.P. for a new station to be located U.S. Forest Service road No. S344, 1.75 miles west of junction U.S.F.S. road No. S344 and Highway 35, Mount Hood Meadows, Oreg. Frequencies: 10,835 and 11,075 MHz.

7070–C1–P–71—Cascade Utilities, Inc. (Formerly: Estacada Telephone & Telegraph Co.) (New), Same as above, except: To be located 1,000 feet north of a point on Highway 35, 200 feet west of junction of Crystal Springs Creek at East Fork Hood River, Mount Hood Meadows Village, Oreg. Frequencies: 11,285 and 11,525 MHz.

7071–C1–P–71—The Pacific Telephone & Telegraph Co. (KNK40), C.P. to add Collins, type 50G10–MA amplifier to existing Western Electric type TL transmitter operating on 10,755 at 7.5 miles southwest of Lucerne Valley, Calif.

7072–C1–P–71—The Pacific Telephone & Telegraph Co. (KNK41), Same as above, except: frequency 11,685 at Bess, 11.5 miles south-southwest of Hector, Calif.

7073–C1–P–71—The Pacific Telephone & Telegraph Co. (KNK42), Same, except: frequency 10,755 MHz on azimuth 59°03′ at 6.5 miles east-northeast of Hector, Calif.

7074–C1–P–71—The Pacific Telephone & Telegraph Co. (KNK43), Same, except: frequency 11,685 MHz on azimuth 239°22′ at 9.2 miles northwest of Kelso, Calif.

7075–C1–P–71—The Ohio Bell Telephone Co. (KVI42), C.P. to add 6390.0 and 11,345 MHz on azimuth 273°30′ at its station on County Road 45, 3 miles southwest of New Riegel, Ohio.

7076–C1–P–71—The Ohio Bell Telephone Co. (KQN71), C.P. to add 6108.3 and 10,935 MHz on azimuth 93°19′ at its station 121 West Harding Street, Findlay, OH.

7077–C1–P–71—The Mountain States Telephone & Telegraph Co. (KAN32), C.P. to add frequencies, 6241.7 and 11,685 MHz on azimuth 236°42′ at its station 602 North First Street, Montrose, CO.

7078–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies: 5960.0, 5989.7, 10,955, and 10,975 MHz. Location: Raspberry, 14.5 miles north-northeast of Norwood, Colo.

7079–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. for a new station. Frequencies: 2178, 6212, and 11,405 MHz. Location: Norwood Junction, 1.2 miles south of Norwood, Colo.

7082–C1–AP/AL–(27)–71—Golden West Telephone Co. Consent to assignment from Golden West Telephone Co., Assignor, to Continental Telephone Co. of California, Assignee. Stations (KMQ42) near Weaverville, Calif.; (KMW63) Trinity Center, Calif.; (KMZ74) Weaverville, Calif.; (KMZ75) near Willow Creek, Calif.; (KMZ76) Willow Creek, Calif.;

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

(KNB36) Parker Dam, Calif.; (KNB39) Garberville, Calif.; (KNB40) near Garberville, Calif.; (KNB41) near Briceland, Calif.; (KNB42) Zenia, Calif.; (KNB43) near Laytonville, Calif.; (KNB44) Laytonville, Calif.; (KNE67) Bakersfield, Calif.; (KNE68) Glennville, Calif.; (KNG52) Dos Palos, Calif.; (KNG53) Los Banos, Calif.; (KNK51) Blythe, Calif.; (KNK52) near Blythe, Calif.; (KNL62) Orleans, Calif.; (KNL63) near Hayampom, Calif.; (KNL64) Hayfork, Calif.; (KNM33) Havasu Landing, Calif.; (KPJ28) Parker, Ariz.; (KPJ29) Havasu City, Ariz.; (WAN94) Ridgeville, Calif.; (WAN95) Mad River, Calif.; (WDE45) at temporary-fixed locations.

7086–C1–AL–71—Beaver State Telephone Co. (KPT39), Consent to assignment from Telephone Utilities, Inc., Assignor, to Pacific Northwest Bell Telephone Co., Assignee. (Bly, Oreg.)

3854–C1–R–71—Pacific Northwest Bell Telephone Co. (KPR65), Renewal of Developmental License expiring July 6, 1971. Term: July 6, 1971 to July 6, 1972 (Temporary-Fixed Locations).

7161–C1–P–71—Northwestern Bell Telephone Co. (WAN23), C.P. to add 6078.6 and 6137.9 MHz on azimuth 352°35′ at its station 9.5 miles north-northeast of Boone, Iowa.

7162–C1–P–71—Northwestern Bell Telephone Co. (New), C.P. for a new station. Location: U.S. Highway 20 West, Webster City, Iowa. Frequencies: 6360.3, 6301.0, 6390.9, and 6330.7 MHz.

7163–C1–P–71—Northwestern Bell Telephone Co. (New), C.P. for a new station to be located at 901 Third Avenue, Fort Dodge, Iowa. Frequencies: 6049.0 and 6108.3 MHz.

7164–C1–P–71—Northwestern Bell Telephone Co. (KBD62), C.P. to change frequency 6338.1 MHz to 6226.9 MHz toward Forestburg, S. Dak., and correct coordinates to read latitude 44°21′46″ N., longitude 98°12′59″ W. at its station 154 Third Street SW., Huron, S. Dak.

7165–C1–P–71—Northwestern Bell Telephone Co. (KBD61), C.P. to change frequencies 6100.9 MHz to 6093.5 MHz toward Howard, and 6056.4 MHz to 5974.8 MHz toward Huron, S. Dak., and change coordinates to latitude 44°03′12″ N., longitude 98°06′33″ W. at its station approximately 2.2 miles north of Forestburg, S. Dak.

7166–C1–P–71—Northwestern Bell Telephone Co. (KBD60), C.P. to change frequencies 6338.1 to 6226.9 MHz toward Humboldt and 6323.3 to 6345.5 MHz toward Forestburg, S. Dak.; and change coordinates to latitude 43°59′12″ N., longitude 97°31′33″ W. at its station 1.5 miles south of Howard, S. Dak.

7167–C1–P–71—Northwestern Bell Telephone Co. (KBD59), C.P. to change frequencies 6056.4 to 5974.8 MHz toward Howard and 6100.9 to 6093.5 MHz toward Sioux Falls, S. Dak.; change coordinates to latitude 43°43′59″ N., longitude 97°04′48″ W. at its station approximately 6 miles north of Humboldt, S. Dak.

7168–C1–MP–71—Northwestern Bell Telephone Co. (KBD58), Modification C.P. to change frequencies 11,405 to 6226.9 MHz toward Pumpkin Center, S. Dak., and change 6323.3 to 6345.5 MHz toward Humboldt, S. Dak., at its station 125 South Dakota Avenue, Sioux Falls, SD. All other particulars same as File No. 1474–C1–P–70.

7169–C1–MP–71—Northwestern Bell Telephone Co. (WBO87), Modification of C.P. to change frequency 10,955 MHz to 5945.2 MHz directed toward Sioux Falls, S. Dak., at its station near Pumpkin Center, 7.1 miles southwest of Hartford, S. Dak. All other terms same as File No. 6122–C1–P–70.

7170–C1–P–71—New York Telephone Co. (New), C.P. for a new station to be located at 237 East 37th Street, New York, NY. Frequencies: 10,715, 10,775, 10,795, 10,855, 10,875, 10,935, 10,955, 11,015, 11,035, 11,095, 11,115, and 11,175 MHz.

7171–C1–P–71—New York Telephone Co. (WDD41), C.P. to add frequencies 11,225, 11,265, 11,305, 11,345, 11,385, 11,425, 11,465, 11,505, 11,545, 11,585, 11,625, and 11,665 MHz at its station located 101 Willoughby Street, Brooklyn NY.

(INFORMATIVE: Applicant proposes to install Nippon Electric Co. PCM radio equipment to meet the current interarea T1 circuit requirements of Mid-State, Manhattan, Brooklyn-Queens and Nassau-Suffolk.)

7174–C1–P–71—American Telephone & Telegraph Co. (KCA22), C.P. to add 3910 MHz directed toward Berkley, Mass., at its station High Rock, 2 miles west of Foxboro, Mass.

7175–C1–P–71—American Telephone & Telegraph Co. (KYO24), C.P. to add 3870 MHz toward High Rock and Fall River, Mass., at its station 1 mile south of Berkley, Mass.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

7176-C1-P-71—American Telephone & Telegraph Co. (KYO23), C.P. to add 3910 MHz toward Berkley, Mass., at its station 326 North Main Street, Fall River, MA.

7180-C1-P-71—General Telephone Co. of California (New), C.P. for a new station to be located at Devil Canyon, 2.7 miles southwest of Crestline Post Office, Crestline, Calif. Frequency: 2176.8 MHz.

7181-C1-P-71—General Telephone Co. of California (New), C.P. for a new station to be located at Cedar Springs, 4.7 miles northwest of Crestline Post Office, Crestline, Calif. Frequency: 2126.8 MHz.

7183-C1-P-71—Northwestern Bell Telephone Co. (New), C.P. for a new station to be located at Midway, 2 miles south of Virginia, Minn. Frequencies: 6004.5 and 6123.1 MHz.

7184-C1-P-71—Northwestern Bell Telephone Co. (New), C.P. for a new station to be located at 2 miles south of Shaw, Minn. Frequencies: 6286.2 and 6404.8 MHz.

7185-C1-P-71—Northwestern Bell Telephone Co. (New), C.P. for a new station to be located at 10th Street and Fourth Avenue West, Duluth, Minn. Frequencies: 6004.5 and 6123.1 MHz.

7195-C1-P-71—General Telephone Co. of the Southwest (New), C.P. for a new station to be located at 114 South Broadway, Laverne, OK. Frequency: 2122.0 MHz.

7196-C1-P-71—General Telephone Co. of the Southwest (KLR43), C.P. to add frequency 2172.0 MHz directed toward Laverne, Okla., at its station 6.5 miles northwest of Fort Supply, Okla.

7197-C1-P-71—South Central Bell Telephone Co. (KLK84), C.P. to add 3970 MHz toward Opelousas, La., on azimuth 349°42' at its station located 530 South Buchanan Street, Lafayette, LA.

7198-C1-P-71—South Central Bell Telephone Co. (KLK85), C.P. to add 4010 MHz toward Lebeau, La., at its station located 251 West North Street, Opelousas, LA.

7199-C1-P-71—South Central Bell Telephone Co. (KLK86), C.P. to add 4070 MHz toward Cheneyville, La., at its station located 3 miles south of Lebeau, La.

7200-C1-P-71—South Central Bell Telephone Co. (KLM90), C.P. to change frequency 3930 MHz to 3950 MHz and add 4030 MHz toward Alexandria, La., at its station located 1 mile northwest of Cheneyville, La.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6949-C1-P-71—Southeastern Microwave Co. (KJE51), C.P. to add frequencies 5945.2, 5974.8, 6034.2, 6093.5, and 6123.1 MHz on azimuth 339°12'. Location: 5.5 miles south of Stuart, Fla., at latitude 27°06'33" N., longitude 80°14'18" W.

6950-C1-P-71—Southeastern Microwave Co. (KJE52), C.P. to add frequencies 6226.0, 6286.2, 6315.0, 6345.5, and 6375.2 MHz on azimuth 358°28'. Location: 2 miles west of Fort Pierce, Fla., at latitude 27°26'28" N., longitude 80°23'17" W.

6951-C1-P-71—Southeastern Microwave Co. (New), C.P. for a new station 1 mile southeast of Vero Beach, Fla., at latitude 27°37'36" N., longitude 80°23'37" W. Frequencies 6034.2 and 6093.5 MHz on azimuth 333°42'.

6952-C1-P-71—Southeastern Microwave Co. (New), C.P. for a new station 2 miles west of Micco, Fla., at latitude 27°53'02" N., longitude 80°32'12" W. Frequencies 6226.0 and 6286.2 MHz on azimuth 330°48'.

6953-C1-P-71—Southeastern Microwave Co. (New), C.P. for a new station 7 miles northwest of Melbourne, Fla., at latitude 28°08'53" N., longitude 80°42'12" W. Frequencies 6034.2 and 6093.5 MHz on azimuths 19°48', 334°12', and 357°50'.

(INFORMATIVE: Applicant proposes to provide the television signals of stations WCIX-TV and WLTV-TV to Florida Cablevision Corp. in Fort Pierce, and Vero Beach, Fla.; to Tel-A-Cable in Micco, Fla.; to Florida TV Cable Co., Inc., in Melbourne and Merrit Island, Fla.; to Cocoa TV Cable in Cocoa, Fla., and to Southland Communications, Inc., in Cocoa Beach and Cape Canaveral, Fla. Applicant requests waiver of section 21.701(l) of the Rules.)

6886-C1-MP-71—New York-Penn Microwave Corp. (WDD75), Modification of C.P. (2613-C1-MP-71) to change station location to latitude 41°25'57" N., longitude 75°38'06" W. Station location: 2300 Adams Avenue, Scranton, PA.

6887-C1-MP-71—New York-Penn Microwave Corp. (WDD87), Modification of C.P. (2433-C1-P-70) to change station location to latitude 42°03'03" N., longitude 79°45'21" W. Station location: Pekin Point, 6.8 miles west-northwest of Clymer, N.Y.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

7189-C1-P-71—American Television Relay, Inc. (KOS63), C.P. to transmit frequencies 6219.4, 6278.8, 6338.1, and 6397.4 MHz, via power split, toward new point of communication at Sierra Vista, Ariz. (latitude 31°34'16" N., longitude 110°18'17" W.), on azimuth 199°56' Station location: Heliograph Peak, 13.9 miles southwest of Safford, Ariz.

(INFORMATIVE: Applicant proposes to deliver the television signals of stations KTLA-TV, KTTV(TV), KHJ-TV, and KCOP-TV of Los Angeles, Calif., to Sierra Vista CATV, Inc., in Sierra Vista, Ariz.)

7190-C1-P-71—Western Tele-Communications, Inc. (KPQ42), C.P. to transmit frequencies 6212.0, 6241.7, 6301.0, and 6360.3 MHz, via power-split, toward passiver reflector near Columbus, Mont. (latitude 45°37'12" N., longitude 109°15'30" W.), on azimuth 151°27', and on to destination at Columbus, Mont. (latitude 45°38'24" N., longitude 109°15'02" W.), on azimuth 15°15', Station location: Greycliff, 18 miles northeast of Greycliff, Mont.

(INFORMATIVE: Applicant proposes to provide the television signals of stations KOPX-TV, KUED-TV, KUTV(TV), and KSL-TV of Salt Lake City, Utah, to CATV system in Columbus, Mont.)

The following applicant proposes to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programed" television service.

7182-C1-P-71—Micro TV, Inc. (New), C.P. for a new station to be located at 3600 Conshohocken Avenue, Philadelphia, PA. Frequencies: 2154.20 MHz (Aural), 2152.325 MHz (Visual), 2154.00 MHz (Aural), and 2158.50 MHz (Visual) toward various points of the system.

[FR Doc.71-9028 Filed 6-24-71;8:53 am]

[Docket No. 16495]

DOMESTIC COMMUNICATIONS SATELLITE FACILITIES

Applications Accepted for Filing

JUNE 15, 1971.

The following applications for domestic communications satellite facilities are accepted for filing for consideration in Docket No. 16495 in accordance with the procedures specified in previous public notices (FCC 70-953; FCC 71-174; and FCC Public Notice 65963, issued on April 13, 1971):

DOMESTIC COMMUNICATIONS SATELLITE SERVICE

EARTH STATIONS

11-DSE-P-71—The Western Union Telegraph Co. (New), C.P. for earth station near Lake Geneva, Wis. (near Chicago, Ill.) at 42°37'10" N. and 88°25'50" W. Station will use a 45-foot-diameter antenna to receive in the 3700-4200 MHz band and transmit in the 5925-6425 MHz band. Power output will be 330 watts with EIRP of 83 dBw in the main beam and −3 dBw/4 kHz in the horizontal plane.

27-DSE(R)-P-71—Twin County Trans-Video, Inc. (New), C.P. for receive-only earth station near Allentown, Pa., at 40°42'19" N. and 75°26'14" W. Station will use a 35-foot-diameter antenna to receive in the 3700-4200 MHz and 11.7-12.2 GHz bands.

28-DSE(R)-P-71—Phoenix Satellite Corp. (New), C.P. for receive-only earth station near Phoenix, Ariz., at 33°20'41" N. and 112°08'32" W. Station will use a 32-foot-diameter antenna to receive in the 3700-4200 MHz band.

29-DSE(R)-P-71—United Video, Inc. (New), C.P. for receive-only earth station near Oklahoma City, Okla., at 35°32'35" N. and 97°25'59" W. Station will use one 35-foot-diameter antenna to receive in either the 3700-4200 MHz or the 11.7-12.2 GHz bands.

30-DSE(R)-P-71—United Video, Inc. (New), C.P. for receive-only earth station near Tulsa, Okla., at 36°04'19" N. and 95°49'47" W. Station will use one 35-foot-diameter antenna to receive in either the 3700-4200 MHz or the 11.7-12.2 GHz bands.

DOMESTIC COMMUNICATIONS SATELLITE SERVICE—Continued
EARTH STATIONS

31-DSE(R)-P-71—United Video, Inc. (New), C.P. for receive-only earth station near La Salle, Ill., at 41°21'39" N. and 89°15'07" W. Station will use one 35-foot-diameter antenna to receive in either the 3700–4200 MHz or the 11.7–12.2 GHz bands.

25-DSE(R)-P-71—LVO Cable, Inc. (New), C.P. for receive-only earth station near Albuquerque, N. Mex., at 35°12'09" N. and 106°35'41" W. Station will use one 35-foot-diameter antenna to receive in either the 3700–4200 MHz or the 11.7–12.2 GHz bands.

26-DSE(R)-P-71—LVO Cable, Inc. (New), C.P. for receive-only earth station near Boise, Idaho, at 43°36'57" N. and 116°09'31" W. Station will use one 35-foot-diameter antenna to receive in either the 3700–4200 MHz or the 11.7–12.2 GHz bands.

TELEPHONE WIRE FACILITIES

P-C-8172—Fairchild Industries, Inc.[1] Formal: (Section 63.01) To construct coaxial cable between Muddy Ridge, Ga., earth station and Muddy Ridge radio station (see Files Nos. 66-DSE-P-71 and 5266-C1-P-71).

P-C-8173—Fairchild Industries, Inc. Formal: (Section 63.01) To construct coaxial cable between Ink, Ark., earth station and Ink radio station (see Files Nos. 68-DSE-P-71 and 5286-C1-P-71).

P-C-8174—Fairchild Industries, Inc. Formal: (Section 63.01) To construct coaxial cable between Vernon Valley, N.J., earth station and Pochuck Mt., N.J., radio station (see Files Nos. 65-DSE-P-71 and 5284-C1-P-71).

P-C-8175—Fairchild Industries, Inc. Formal: (Section 63.01) To construct coaxial cable between Springfield, Wis., earth station and Springfield radio station (see Files Nos. 67-DSE-P-71 and 5272-C1-P-71).

P-C-8176—Fairchild Industries, Inc. Formal: (Section 63.01) To construct coaxial cable between San Jacinto Valley, Calif., earth station and Beaumont, Calif., radio station (see Files Nos. 70-DSE-P-71 and 5277-C1-P-71).

P-C-8177—Fairchild Industries, Inc. Formal: (Section 63.01) To construct coaxial cable between Big Tree Creek, Wash., earth station and Big Tree Creek radio station (see Files Nos. 69-DSE-P-71 and 5281-C1-P-71).

POINT-TO-POINT MICROWAVE RADIO SERVICE

The following applications were listed and described in the Common Carrier Services Information Reports Nos. 522 and 524, issued on December 14 and 28, 1970, and are accepted for filing for consideration in Docket No. 16495:[2]

3017-C1-P-70, The Western Union Telegraph Co.

3245/3247-C1-P-70, The Western Union Telegraph Co.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
BEN F. WAPLE,
Secretary.

[1] Since the filing of its original applications for domestic communications satellite facilities, Fairchild Hiller Corp. has changed its name to Fairchild Industries, Inc.

[2] In the Common Carrier Services Information Report No. 539 of Apr. 12, 1971, the application of Western Union which was listed as File No. 5527-C1-P-70 should read File No. 5227-C1-P-70, as indicated in FCC Public Notice 65963, issued on Apr. 13, 1971.

[FR Doc.71-9027 Filed 6-24-71;8:53 am]

[Dockets Nos. 19068-19070; FCC 71R-195]

EDWARD G. ATSINGER III, ET AL.

Memorandum Opinion and Order Modifying Issues

In regard applications of Edward G. Atsinger III, Owensboro, Ky., Docket No. 19068, File No. BP-18067; Gary H. Latham and Wells T. Lovett, doing business as L and L Broadcasting Co., Owensboro, Ky., Docket No. 19069, File No. BP-18475; and Bayard Harding Walters, trading as Hancock County Broadcasters, Hawesville, Ky., Docket No. 19070, File No. BP-18490; for construction permits.

1. The above-captioned mutually exclusive applications were designated for consolidated hearing by Commission Order, FCC 70-1133, released October 28, 1970, 35 F.R. 17004, published November 4, 1970. Among the issues specified were limited financial qualifications issues against L and L Broadcasting Co. (L & L) and Hancock County Broadcasters (Hancock). Presently before the Review Board is a petition to enlarge issues, filed November 19, 1970 by Edward G. Atsinger III (Atsinger), which requests the addition of an abuse of process issue against L & L and Hancock, and Suburban Community and expanded financial issues against Hancock; and a petition to enlarge, change and delete issues, filed November 19, 1970, by L & L requesting the addition of site availability and expanded financial issues against Hancock and deletion of the financial issue against L & L.[1]

Abuse of process issue. 2. Atsinger's request for an abuse of process issue against L & L and Hancock is based on the preparation and filing dates shown on their respective applications. Initially, Atsinger points out that his application was filed on February 6, 1968, the published cutoff date of the application of Southern Broadcasters, Inc., for AM Station WAMG in Gallatin, Tenn. (File No. BP-17836).[2] Subsequently, in a public notice released December 20, 1968, the Atsinger application appeared on its own cutoff list, the cutoff date being February 27, 1969. Provided the Gallatin application remained on file until February 27, 1969, explains petitioner, no application mutually exclusive with the Atsinger application could be filed because the latter was in direct conflict with the Gallatin application and, therefore, under the umbrella protection of the February 6, 1968, Gallatin cutoff date. Pursuant to its request, dated February 18, 1969, and filed with the Commission on February 20, 1969, the Gallatin application was dismissed on February 27, 1969. Notice of such dismissal was released on February 28, 1969 (Public Notice, Report No. 8503, Mimeo No. 28503). Atsinger attempts to draw a relationship between the dismissal of the Gallatin application and the preparation and filing of the L & L and Hancock applications (filed February 26 and February 27, 1969, respectively), implying collusion between the parties, i.e., consideration passing from L & L and/or Hancock to Gallatin in return for the latter's dismissal by February 27, 1969. Petitioner notes that neither the L & L nor the Hancock application could have been accepted without the dismissal of Gallatin's application by February 27, 1969, and suggests that the preparation and filing of an application in such a circumstance are too costly to be based on mere speculation of a dismissal. Atsinger therefore requests the Board to add an abuse of process issue, in the absence of satisfactory explanations by L & L and Hancock of the circumstances surrounding the filing of their applications. In sole support of his request, Atsinger cites Wayne County Broadcasting Corp., 26 FCC 2d 52 (1970).

3. L & L, Hancock, and the Broadcast Bureau oppose the request for an abuse of process issue. L & L characterizes the Atsinger request as one based entirely on speculation, conjecture and innuendo. L & L contends that Gallatin, in its request for dismissal, explains, under oath and with sufficient specificity, the reasons for its request (i.e., its application, originally unopposed, became mutually exclusive with those of two other applicants and, therefore, Gallatin no longer wished to proceed). Hancock urges the Board to deny summarily Atsinger's request since it fails to make a threshold showing sufficient to warrant adding the issue. In any event, Hancock categorically denies any collusion regarding the Gallatin dismissal and attaches affidavits of Bayard H. Walters, the applicant, and Clarence E. Henson, a consulting engineer, explaining the circumstances surrounding the preparation and filing of

[1] Also before the Review Board for consideration are: (a) Opposition to both petitions, filed Jan. 8, 1971, by Hancock; (b) opposition to Atsinger's petition, filed Jan. 8, 1971, by L & L; (c) partial opposition to L & L's petition, filed Jan. 8, 1971, by Owensboro-On-The-Air, Inc. (WVJS); (d) comments on both petitions, filed Jan. 8, 1971, by the Broadcast Bureau; (e) reply, filed Feb. 17, 1971, by Atsinger; and (f) response, filed Feb. 17, 1971, by L & L.

[2] Southern Broadcasters, Inc., requested a change in frequency and an increase in power for Station WAMG-AM.

the Hancock application. Specifically, the affidavits explain that, during the course of consultation concerning another broadcast interest, Henson became aware of the possible "drop out" of the Gallatin application. Henson so informed Walters, reminding him of the speculative nature of such an occurrence permitting acceptance of the Hancock application if it were filed by February 27, 1969. Considering the risk a reasonable one, Walters claims that he prepared and filed his application unaware of Gallatin's subsequent dismissal until informed thereof by counsel. The Broadcast Bureau takes the position that Atsinger's request is insufficient because he failed to include either supporting affidavits or a statement showing any connection between L & L or Hancock and Gallatin.

4. Atsinger's request for an abuse of process issue lacks specificity and is unsupported by affidavit; therefore, it is fatally defective under the requirements of § 1.229(c) of the Commission's rules.[3] See Eastern Broadcasting Corp., FCC 71R–157, released May 19, 1971, 21 RR 2d 1147, and cases cited therein. In particular, Atsinger has not shown any connection, much less one violative of the Commission's rules, between L & L and/or Hancock and Gallatin. In contrast to Atsinger's bare allegations, Bayard Walters, unequivocally and under oath, denies any collusion in connection with the Gallatin dismissal; moreover, the affidavits of Walters and Henson present a reasonable explanation of the circumstances surrounding the preparation and filing of the Hancock application. Under the circumstances, and based on all of the allegations before it, the Board concludes that Atsinger's claims rest entirely upon surmise and suspicion,[4] and that no basis exists for the addition of an abuse of process issue.[5]

Suburban community issue. 5. In support of the requested Suburban Community issue against Hancock, Atsinger attempts to show the economic, social, and cultural dependence of Hawesville, Ky. (Hancock's proposed community of license), on neighboring Tell City, Ind. In an affidavit attached to the petition, Atsinger states that Hawesville has two physicians, but no hospital, or recreational facilities; that Hawesville has only 42 retail establishments, compared to Tell City's 117; that the comparative population figures of Hawesville and Tell City are 1,177 and 7,827, respectively; that the nearest community comparable to Hawesville after Tell City is Owensboro, Ky, 27 miles from Hawesville; and that Hancock's proposed 5 mv/m service contour completely encompasses Tell City. Petitioner maintains that the foregoing constitute a threshold showing sufficient to warrant adding a Suburban Community issue[6] and, in support, cites Outer Banks, supra, note 6.

6. In opposition, Hancock denies that it will serve primarily a community other than Hawesville. Hancock also argues that Atsinger has failed to make a threshold showing sufficient to add a Suburban Community issue. In an attached affidavit, Bayard Walters states that Hawesville residents, located across the river from Tell City in a different State and time zone,[7] must rely on a toll bridge and proceed through a third city (Cannelton, Ind.) to reach Tell City. Hancock submits population figures to demonstrate Hawesville's pronounced growth (50 percent within the past 10 years) compared with Tell City's more modest growth (10 percent in the same period), ostensibly lending credence to its argument that it reasonably may rely on the expanding Hawesville economy as its primary source of advertising revenue.[8] In contrast to Atsinger's allegations of dependence, Hancock contends that Hawesville, with its own school systems, and governmental, civic, social, and religious organizations, is separate and independent from Tell City. Hancock also contends that its 5 mv/m contour coverage of Tell City is coincidental rather than intentional, a natural concomitant of geographic proximity, and in no way indicative of any intent by Hancock to serve primarily a community other than Hawesville. Hancock alleges that it proposes only 500 watts power to provide adequate coverage and overcome man-made noise, and submits that even the minimum power of 250 watts would provide a 5 mv/m signal over Tell City. Finally, Hancock directs the Board's attention to its efforts to ascertain community needs. All of these efforts, claims Hancock, were made in the Hancock County area (with the exception of a few persons who lived in Cannelton, Ind.) and no one from Tell City was interviewed.

7. The Broadcast Bureau also opposes the request for a Suburban Community issue, rejecting Atsinger's reliance on the Outer Banks case, supra, because, in that case, according to the Bureau, the proposed community, unlike Hawesville, was shown to have no independent existence relative to its civic, social and business activities, and had only one small business, as opposed to the over 40 businesses in Hawesville. In reply, Atsinger challenges Hancock's showing regarding the industrial growth of Hancock County, claiming that it is Hawesville, not Hancock County, that is the applicant's city of license, and that industrial growth is not necessarily analogous to retail activity which provides the main economic support to a small market radio station.

8. In V.W.B., Inc., supra, note 6, the Commission expressed its reluctance to designate a Suburban Community issue on a mere showing that an applicant will place a strong signal over a somewhat larger community. The Commission reasoned that to do so would disrupt its processes and delay the establishment of competitive broadcast facilities; therefore, the burden a petitioner must carry under these circumstances is not a light one. With reference to the instant proceeding, and in spite of the fact that Hawesville and Tell City are only 2 to 3 miles apart, Atsinger has shown only the geographical proximity and disparity in population of the two communities, and that Hancock's 5 mv/m signal covers Tell City as well as Hawesville. While Hancock's proposed 5 mv/m contour will cover Tell City, it does not necessarily follow that the needs and interests of the specified community of Hawesville will be disregarded or subordinated to those of Tell City. See Click Broadcasting Co., supra. Manifestly so where, as here, Hancock's contention that it intends to serve primarily its specified community is supported by its program survey efforts directed to the ascertainment of the needs and interests of Hawesville, not Tell City. See Click Broadcasting Co., supra.

9. Petitioner also has failed to establish the governmental, social, civic, and economic dependence of Hawesville on Tell City (compare Outer Banks Radio Co., supra), and has not established the use of excessive power to demonstrate

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[3] Sec. 1.229(c) requires that a petition to enlarge issues contain specific allegations of fact, and that these allegations of fact, except those of which official notice may be taken, shall be supported by affidavits of a person or persons having knowledge of the facts.

[4] See The Fox River Broadcasting Co., 5 FCC 2d 564, 8 RR 2d 899 (1966).

[5] Atsinger's reliance on Wayne County Broadcasting Corp., supra, in support of his request, is completely misplaced. In Wayne County, the Commission designated an abuse of process issue because the same person (either independently, as a corporate stockholder, or as legal counsel or technical director) filed several applications mutually exclusive with and antagonistic to each other. The Board agrees with the Bureau that no such connections have been shown in the instant applications. The case is therefore inapposite.

[6] The Commission's Policy Statement on Sec. 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901 (1965), reconsideration denied 2 FCC 2d 866, 6 RR 2d 1903 (1966), provides that when a standard broadcast applicant's proposed 5 mv/m contour would penetrate the geographical boundaries of a community with a population of 50,000 and having at least twice the population of the applicant's specified community, a rebuttable presumption arises that the applicant realistically proposes to serve that larger community. Where the communities in question do not satisfy the criteria explicated by the Commission, an issue still may be specified provided an adequate threshold showing is made that the proposal realistically would serve primarily a community other than the one specified. Click Broadcasting Co., 19 FCC 2d 497, 17 RR 2d 164 (1969); Outer Banks Radio Co., 15 FCC 2d 994, 15 RR 2d 471 (1969); Babcom, Inc., 12 FCC 2d 306, 12 RR 2d 998 (1968); V.W.B., Inc., 8 FCC 2d 744, 10 RR 563, reconsideration denied 10 FCC 2d 534, 11 RR 2d 653 (1967).

[7] According to Hancock, Hawesville, Ky., is in the central time zone, and Tell City, Ind., is in the eastern time zone.

[8] Hancock also attaches a resolution of the Hawesville City Council acknowledging the growth and industrial expansion of the city, and the script of a television program broadcast on July 4, 1970, by Station WFIE–TV, Evansville, Ind., concerning the industrial growth of the Hancock County area.

an intent by Hancock to serve primarily a community other than Hawesville. Significantly, Hancock alleges, and Atsinger does not deny, that any transmitter site which would have provided the requisite city grade signal over Hawesville would have provided also, with a nondirectional operation, a 5 mv/m coverage of Tell City. Thus, Atsinger has failed to show and, in fact, has not even alleged, that Hancock's proposed power is in excess of that needed to provide adequate coverage of the specified community and its environs. Compare Babcom, supra, and V.W.B., Inc., supra. The Board notes that Hawesville and Tell City are located in different states and different time zones, and are separated by the Ohio River with a toll bridge providing the most direct route from one city to the other. Clearly, this does not suggest a city-suburb relationship. While this fact alone is not fatal to Atsinger's request (see Outer Banks, supra), the absence of such a relationship tends to corroborate Hancock's extensive showing of Hawesville's separate and independent existence, i.e., respondent has shown that Hawesville is the county seat of Hancock County and has enjoyed a rate of growth in recent years five times that of Tell City; that it has its own civic, educational, governmental and religious organizations, and retail establishments (see Childress Broadcasting Corp. of West Jefferson, FCC 70-1032, released October 2, 1970, 20 RR 2d 335); and, that Hancock County is a growing industrial area now employing in excess of 2,000 people. Consequently, while Hancock's 5 mv/m signal will cover Tell City, Atsinger has failed to make a threshold showing that Hancock's proposal realistically will serve primarily Tell City rather than Hawesville. Accordingly, petitioner's request for a Suburban Community issue will be denied. See Click Broadcasting Co., supra.

Hancock's financial qualifications. 10. In the designation Order, the Commission noted that, according to its application, Hancock would require $36,800 to construct and operate the proposed station for 1 year without revenue, and that it proposed to meet this requirement with $2,600 cash, $9,200 in other liquid assets, and a bank loan of $20,000. Because the amount available totalled only $31,800, the Commission designated an issue to determine the source of additional funds to construct and operate the proposed station and, in light thereof, whether Hancock is financially qualified. Both L & L and Atsinger request an expansion of the financial issue designated against Hancock. In its petition, L & L asserts: (a) That Hancock's proposed payroll figure of $15,000, as reflected in its February 2, 1970, amendment (filed April 1, 1970) is inadequate; (b) that Hancock has failed to include in its cost estimates certain nonpayroll operating expenses such as records, royalties, telephone expenses, and technical supplies and repairs; (c) that Hancock has provided inadequately for legal and preoperational expenses; and (d) that Hancock's sources of financing, including its Ohio Valley National Bank letter of credit extending a loan up to $20,000, and its equipment letter from Electronic Laboratories outlining its credit terms, are inadequate in that they fail to mention any security for such credit. L & L further argues that Hancock's proposed equipment costs of $10,000 are inadequate; and that its letter from Electronic Laboratories inadequately explains whether such costs are to include labor and engineering, as well as equipment, and precisely what equipment is to be provided. In support, L & L attaches the affidavits of two radio station managers, Jimmie A. Wooley and Gary H. Latham (an L & L partner), who state that based on their experience, Hancock's payroll figure is "grossly inadequate."[9] L & L also attaches the affidavit of Robert L. Cave, President of First City Bank and Trust Co., Hopkinsville, Ky., in which he states that "sound banking principles" would preclude a $20,000 unsecured loan to a person with Hancock's limited assets.

11. Atsinger's petition, like that of L & L, alleges that Hancock's $20,000 letter of credit from the Ohio Valley National Bank is deficient because it fails to mention the security for such loan. In addition, Atsinger supports its request for an expanded financial issue by comparing its own proposed equipment costs ($18,000) and those of L & L ($22,000) with Hancock's proposed equipment costs ($10,000), and concludes than Hancock's figure is unreasonably low. Moreover, since Hancock provides no list of equipment, Atsinger questions whether sufficient equipment has been specified.

12. The Broadcast Bureau recommends expansion of the financial issue against Hancock unless the applicant submits a satisfactory response demonstrating the sufficiency of its proposed equipment and payroll costs; the inclusion in its proposal of nonpayroll costs; and security for its bank loan. However, the Bureau opposes Atsinger's request for an issue to determine the reasonableness of Hancock's proposed equipment costs because, in the Bureau's opinion, Atsinger's showing that its equipment costs and those of L & L are higher than Hancock's in no way constitutes a showing that Hancock's equipment costs are inadequate.

13. In opposition, Hancock submits a letter from Electronic Laboratories listing the equipment it will furnish the applicant at the agreed upon price of $10,000 (including installation, testing and preparation of the engineering portion of Hancock's application); outlining the terms of credit and repayment; and designating the equipment as collateral. Hancock attaches also the affidavit of W. T. Latta, President of the Ohio Valley National Bank, extending to the applicant a loan up to $35,000, secured by a revocable trust agreement entered into between the bank and Bayard Walters' mother, and explicating the terms of interest and repayment of the loan.[10] Regarding L & L's allegations of inadequate payroll and nonpayroll expenses, Hancock attaches the affidavit of Bob W. Hite, General Manager of AM Station WMSK, Morganfield, Ky. Hite states that, based on his experience, Hancock could operate its proposed station for $32,000 the first year, including a first year salary budget of $19,028. In its response, L & L reiterates its allegation as to the inadequacy of Hancock's proposed payroll costs, and based on Hancock's "Salary Expense" exhibit included in its opposition pleading, L & L questions the adequacy of Hancock's proposed staff.

14. Petitioners' claims concerning the absence of security for Hancock's bank loan and equipment purchase have been answered effectively by the affidavits attached to Hancock's opposition. The Ohio Valley National Bank has indicated its willingness to extend a loan to Hancock and has expressed its satisfaction with, and acceptance of, a trust agreement as security for such loan. Under the circumstances, the Board is of the opinion that Hancock has shown the availability of the bank loan. See note 10, supra. Similarly, Electronic Laboratories has indicated its acceptance of the equipment as collateral and reiterated its quoted price of $10,000 for equipment listed (including installation and testing) thereby atesting to the reasonableness of Hancock's proposed equipment costs. Furthermore, the fact that Atsinger and L & L propose higher equipment costs than does Hancock is unconvincing in the absence of a showing that Hancock's cost estimates are inadequate. Eastern Broadcasting Corp., 28 FCC 2d 28, 21 RR 2d 417 (1971). The Board agrees with the Bureau that Atsinger's failure to demonstrate the in-

[9] In the Board's opinion, the virtual identity of the two affidavits tends to diminish their value.

[10] Hancock further requests the Review Board to take official notice of an amendment to its application, filed Jan. 8, 1971, and presently pending before the Hearing Examiner. The Broadcast Bureau and L & L have filed oppositions to the acceptance of such amendment, prompting the Examiner, by Order FCC 71M-243, released Feb. 12, 1971, to set aside his initial acceptance of the amendment (FCC 71M-233, released Feb. 11, 1971) and further order that there be oral argument on the matter. Consequently, the Board will consider those affidavits (including the equipment letter and the new bank letter) attached to Hancock's opposition pleading to the extent that they meet technical deficiencies raised by the pleadings; however, until the amendment has been accepted, the Board cannot rely on material therein that increases the bank's commitment from $20,000 to $35,000 and otherwise alters Hancock's financial showing. See Lawrence County Broadcasting Corp., 14 FCC 2d 833, 834, 14 RR 2d 449, 452 (1968); Graphic Printing Co., Inc., 12 FCC 2d 674, 13 RR 2d 2 (1968); State of Oregon Acting By and Through the State Board of Higher Education, 11 FCC 2d 374, 12 RR 2d 56 (1968); Triad Stations, Inc., FCC 64R-540, 3 RR 2d 1064 (1964).

adequacy of Hancock's proposed equipment costs warrants denial of its request to add an issue to determine the reasonableness of such costs. Moline Television Corp. (WQAD–TV), 12 FCC 2d 770, 13 RR 2d 77 (1968); Marbro Broadcasting Co., Inc., 2 FCC 2d 1030, 7 RR 2d 216 (1966).

15. However, the Board is of the opinion that substantial questions have been raised concerning the adequacy of Hancock's proposed payroll figure of $15,000; its apparent failure to include in its cost estimates certain nonpayroll operating expenses such as records, royalties, telephone expenses, technical supplies and repairs; and whether it has provided adequately for legal and preoperational expenses. It is well settled that the Board must consider whether a financial issue is warranted on the basis of the proposal of record. Kittyhawk Broadcasting Corp., 8 FCC 2d 217, 9 RR 2d 1283 (1967). In light of the present unaccepted status of its January 8, 1971, amendment (note 10, supra), Hancock's earlier financial amendment (filed April 1, 1970) constitutes its proposal of record. On that basis, Hancock does not meet adequately petitioner's allegations regarding payroll, nonpayroll, legal, and preoperational expenses. Accordingly, appropriate financial issues will be added. Finally, to the extent that L & L's challenge concerning the adequacy of Hancock's proposed staff constitutes a request for a staffing issue, it will be denied. L & L's allegation is based on conjecture and surmise and, absent supporting statements or affidavits, it is fatally defective and insufficient to warrant adding the issue. Eastern Broadcasting Corp., FCC 71R–157, supra. See also Jay Sadow, 27 FCC 2d 248, 20 RR 2d 1171 (1971), and cases cited therein.

Site availability issue. 16. In support of its requested site availability issue, L & L attaches the survey of one Aubrey Vanover of Owensboro, Ky., which shows that the proposed location of Hancock's transmitter site at its designated geographic coordinates is on land ostensibly owned by Porter Scifres, whose attached affidavit indicates that he has made no arrangements and has no understanding to sell or lease any portion of this land for the location of a transmitter tower. L & L also claims that Hancock's proposed site is in open country and provides inadequately for a studio-transmitter building, parking lot, roadway, power, water, sewage disposal, etc.; and, furthermore, Hancock's lease terms are inconsistent, uncertain and ambiguous. Accordingly, petitioner requests the addition of an issue to determine whether Hancock's proposed transmitter site is available, and the means by which open country is to be transformed into a studio-transmitter site. The Broadcast Bureau recommends addition of the issue requested unless Hancock, in its opposition pleading, demonstrates that the proposed transmitter site is not on Porter Scifres' land.

17. In opposition, Hancock claims that the geographic coordinates appearing in its application are in error. Hancock then sets forth the corrected coordinates along with the attached affidavits of Bayard H. Walters, the applicant, and Clarence E. Henson, a consulting engineer, explaining that the proposed site is actually on land owned by Brown Daniels; that Daniels agreed to lease such land to Hancock; that the attached affidavit of Daniels, executed November 28, 1970, verifies that a lease agreement between applicant and landowner has been in effect since February, 1969; and that the lease agreement provides for monthly payments of $20 for the option to lease and a monthly lease payment of $40 after construction is commenced on the site. Hancock attaches also the affidavit of Mrs. Lucy C. Harding offering to lease to Hancock, on specified terms, a mobile home for use as an office and studio-transmitter building. In response, L & L maintains that Hancock's proposed use of a mobile home as a studio-transmitter building in no way obviates the need to demonstrate sufficient financial provision for a parking lot, roadway, sewage, water, etc.; nor does it mitigate the need for demonstrating that provision has been made for remodeling the mobile home to make it suitable for use as a broadcast studio-transmitter.

18. In our opinion, Hancock's opposition pleading adequately outlines the genesis of its error regarding geographic coordinates and explains that the error was inadvertent and due to inconsistencies in public records and a mistaken judgment as to the exact boundaries of Daniels' property. The Commission consistently has held that it does not require a binding agreement or absolute assurance of the availability of a proposed site; rather, it requires only that an applicant have "reasonable assurance" that its proposed site will be available. See, e.g., Marvin C. Hanz, 21 FCC 2d 420, 18 RR 2d 310 (1970), and cases cited therein. Hancock has effectively answered petitioner's allegations by settling forth the corrected coordinates and adequately demonstrating a "reasonable assurance" of the availability of its transmitter site. Accordingly, a site availability issue will not be added. Concomitantly, Hancock has shown the availability of a mobile home for use as a studio-transmitter building; however, the Board believes that, based on its current financial showing (see paragraph 15, supra), Hancock has not shown sufficient resources to accommodate related miscellaneous studio-transmitter expenses, e.g., a parking lot, roadway, etc. Accordingly, an appropriate financial inquiry will be specified.

L & L's financial qualifications. 19. In paragraph four of the designation order, the Commission concluded that:

> Since L and L Broadcasting Co. has failed to keep its financial showing current, it will have to establish its qualifications in hearing. Thus, a financial issue with respect to this applicant will also be included.

The Commission, therefore, specified an issue: "To determine whether L and L Broadcasting Co. is financially qualified to construct and operate its proposed station." (Issue 3). L & L urges the Board to delete this issue and, in support, claims that the financial information on file with its application is current and substantially accurate, fully establishing its financial qualifications. In further support of its position, L & L submits new financial statements of its partners, Wells T. Lovett and Gary H. Latham, purportedly demonstrating that Lovett is able to meet his first year obligation to the station, and that Latham is only $250 short of meeting his obligation. Consequently, argues L & L, whether the Review Board considers petitioner's original showing or its newly attached financial statements, the financial issue against L & L should be deleted or, at least, revised to put in issue only Latham's present ability to raise an additional $250.

20. The Broadcast Bureau opposes the deletion of the financial issue against L & L on the grounds that factual issues will not generally be resolved on the basis of interlocutory pleadings, and that a hearing issue will not be deleted in the absence of a showing that the issue was specified under a mistake of fact, citing Lorain Community Broadcasting Co., 5 FCC 2d 803, 8 RR 2d 1139 (1966). Hancock also opposes deletion of the financial issue against L & L, claiming that no security and no repayment schedule were mentioned in connection with the Central Bank and Trust Co. loan commitment and, moreover, the loan commitment letter was vague. In its opposition, Owensboro-On-The-Air, Inc. (WVJS), licensee of Station WVJS, Owensboro, Ky.,[1] maintains that the Commission, in reaching its decision to include a financial issue against L & L, fully considered the applicant's financial information but was precluded from reaching a conclusion concerning the applicant's financial qualifications because of the staleness of the showing. WVJS contends that if the Review Board were to delete the financial issue as requested it would be inconsistent with existing Commission policy and precedent.

21. The Review Board will deny L & L's request to delete or revise the financial issue against it. As WVJS points out in its opposition, it is well settled that the Board will not delete an issue in the absence of extenuating circumstances, such as where the Commission overlooked or failed to consider certain relevant information. Cowles Florida Broadcasting, Inc., FCC 71R–173, released May 28, 1971, 21 RR 2d 1229. See also Viking Television, Inc., 16 FCC 2d 1015, 15 RR 2d 968 (1969); Sundial Broadcasting Co., Inc., 15 FCC 2d 1092, 15 RR 2d 353 (1969). Petitioner has not shown that the Commission overlooked or misconstrued pertinent information relative to its financial qualifications; nor has petitioner shown unusual or extenuating circumstances sufficient to warrant deletion or modification of the issue. On the contrary, the Commission considered L & L's

[1] WVJS was made a party to this proceeding in the designation Order.

financial showing at the time of designation and made a specific reference to its particular deficiency (see paragraph 19, supra). Consequently, it would be inappropriate for the Board to delete the issue. See Durham-Raleigh Telecasters, Inc., 11 FCC 2d 23, 11 RR 2d 928 (1967).

22. *Accordingly, it is ordered,* That the petition to enlarge issues, filed November 19, 1970, by Edward G. Atsinger, III, is denied; and the petition to enlarge, change and delete issues, filed November 19, 1970, by Gary H. Latham and Wells T. Lovett, doing business as L & L Broadcasting Co., is granted to the extent indicated herein, and is denied in all other respects; and

23. *It is further ordered,* That Issue (4) herein is modified to read as follows:

(4) To determine, with respect to the application of Bayard Harding Walters, trading as Hancock County Broadcasters:

(a) Whether the applicant's proposed payroll expenses are adequate to meet its needs;

(b) Whether the applicant has included adequately in its financial proposal nonpayroll expenses such as records, royalties, telephone expenses, and technical supplies and repairs;

(c) Whether the applicant has provided adequately for legal and preoperational expenses;

(d) Whether the applicant has available sufficient financial resources to meet its proposed payroll and nonpayroll operating expenses; its anticipated legal and preoperational expenses; and, miscellaneous studio-transmitter expenses;

(e) The source of additional funds to construct and operate the proposal for 1 year without revenue;

(f) Whether, in light of the evidence adduced pursuant to (a–e) above, the applicant is financially qualified.

Adopted: June 17, 1971.

Released: June 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-9025 Filed 6-24-71;8:53 am]

[Docket No. 18672; FCC 71R-196]

CATHRYN C. MURPHY

Memorandum Opinion and Order Enlarging Issues

In regard application of Cathryn C. Murphy, Vancouver, Wash., File No. BL-12263, for renewal of license of Station KVAN, Vancouver, Wash.

1. This proceeding involves the application of Cathryn C. Murphy for renewal of her license of standard broadcast Station KVAN, Vancouver, Wash. The Commission designated this matter for hearing by order, 19 FCC 2d 858, released September 30, 1969. Presently before the Review Board is a petition, filed April 28, 1971, by the Broadcast Bureau[1] to enlarge the issues in this proceeding to ingly filed "false data and information" determine whether the licensee known-in her license application of March 15, 1971.

2. First, the Bureau contends that good cause has been shown for the late filing of its petition on April 28, 1971, since the matters encompassed by the requested issue are newly discovered and the petition was filed within 15 days of receipt by Bureau counsel of necessary affidavits. Turning to the substance of its request, the Bureau notes that Mrs. Murphy's application recites that the engineering portion (Exhibit 2) was prepared under the supervision of Harold Singleton, a consulting engineer. The Bureau submits an affidavit of Mr. Singleton, dated March 31, 1971, in which he states that Mrs. Murphy asked him to make antenna resistance measurements when a new tower was completed, but that he was unavailable and, consequently, "did not perform, direct, approve, nor review the antenna resistance data" in the application.[2] Further, the Bureau attaches the affidavit of KVAN's former chief engineer, Donald Nelson, who states that he was chief engineer at KVAN from approximately July 2, 1970, to February 9, 1971; that he is the sole author of engineering Exhibit 2 in the KVAN renewal application; that the data in that exhibit is theoretical; that during his employment at the station no official measurement was made of KVAN's antenna; that Mrs. Murphy knew that the data in Exhibit 2 was theoretical and it was drafted with her understanding that it was not to be submitted to the Commission; that Mrs. Murphy transcribed the typewritten pages of Exhibit 2 from his rough draft; and that because the and discrepancies in the engineering information supplied by KVAN in its application and points to some items which he inserted to prevent the data from being accepted as anything but theoretical. The Bureau concludes, on the basis of the two affidavits, that relevant and material representations in KVAN's March 18, 1971, license application are false and that Mrs. Murphy, despite her certification that all of the information in the application was complete and correct, "knew them to be false at the time data was theoretical he refused to sign page 2 of the engineering section of the KVAN application. Moreover, Mr. Nelson notes a number of alleged inaccuracies she prepared and filed the application".

3. In opposition, the licensee contends that Mr. Singleton has been an engineering consultant to Mrs. Murphy for many years; that she did consult him during the preparation of the license application and, therefore, understood that it was proper to show him as the person under whose direction the exhibit was prepared; and that it is inconceivable that Singleton was present at KVAN during the preparation of the license application for any purpose other than consultation. In support of these contentions, Mrs. Murphy attaches the affidavits of four employees of KVAN and of the lessor of the land for the station's studio and antenna, in which they state that Harold Singleton appeared at the station repeatedly during the time the license application in question was being prepared. Several of the affiants assert that they observed Mr. Singleton filling out some papers, although they also state that they were not aware of the actual nature of such papers. As for Donald Nelson's affidavit, the licensee points out that Nelson could not testify from personal knowledge as to anything which took place after the termination of his employment at KVAN on February 9, 1971, and argues that, while Nelson did prepare an exhibit based on the theoretical specifications for the installation of equipment, the license application was not signed until March 12, 1971, and was not filed until March 15, 1971, and reflected actual measurements made on KVAN after February 9, 1971, after installation of equipment at the new site. In support of these points, Mrs. Murphy submits the affidavit of her former husband, William B. Murphy, who asserts that he prepared and signed section II of the license application after Mr. Nelson's employment had been terminated, and that the data in the application are based upon actual measurements.

4. In reply, the Bureau points out that there are conflicting factual allegations which cannot be resolved on the basis of the pleadings. The Bureau also submits the affidavit of Otis T. Hanson of the Aural-Existing Facilities Branch, Broadcast Facilities Division of the Broadcast Bureau, which sets forth a detailed engineering analysis of the data in the application.

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[1] Other related pleadings before the Board are: (a) Opposition, filed May 18, 1971, by Cathryn C. Murphy; (b) Broadcast Bureau's reply, filed June 1, 1971; (c) supplement to opposition, filed June 15, 1971, by Cathryn C. Murphy; and (d) Broadcast Bureau's comments on supplement, filed June 15, 1971.

[2] The supplement to the opposition filed by Mrs. Murphy includes a letter from Mr. Singleton amplifying this statement, and indicating that, at the request of Mrs. Murphy, he did come by her office to locate "the antenna resistance and reactance figures" which Mrs. Murphy's attorney requested for purposes of answering "Sec. II-A, Paragraph 7." Mr. Singleton further states that at that time Mrs. Murphy showed him "antenna resistance data tabulating the antenna resistance and reactance"; that he simply gave Mrs. Murphy the figures as stated for the frequency 1480 kHz; and that these figures "can be confirmed by reference to the report you [Mrs. Murphy] had prepared by another engineer as part of the Form 302—which you [Mrs. Murphy] said was done by Mr. Murphy."

5. The Broadcast Bureau's petition will be granted,[3] although we will modify the language of the requested issue. In our view, a substantial question has been presented as to whether the engineering data submitted in the March 18, 1971, license application are based on actual measurements as required by specific questions in section II of the application. Contrary to the impression created by Mr. Murphy's statement that "measurements were in fact made as shown in Form 302 [the application]", the information submitted in the application does not, on its face, resolve the question of whether such data are, in fact, based on measurements. Rather, the detailed engineering analysis submitted by the Broadcast Bureau seems (a) to support Nelson's statements that the data in the application are based on his theoretical calculations which were not intended by him to be used in this application (paragraph 2); and (b) to contradict Mr. Murphy's statement that actual measurements were made. Moreover, we note that nowhere in Mr. Murphy's statement does he indicate that he took, and/or observed, and/or supervised the actual taking of measurements; nor has the applicant submitted a sworn statement of anyone with explicit first-hand knowledge of the alleged measurements.

6. In sum, the substantial questions presented relate, not only to the accuracy and truthfulness of the data in the application, but also to the truthfulness of Mr. Murphy's statement that actual measurements were taken. A misrepresentation issue is, therefore, warranted.[4]

7. *Accordingly, it is ordered,* That the petition to enlarge issues, filed April 28, 1971, by the Broadcast Bureau, is granted; and

8. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue: To determine the circumstances surrounding the preparation of the engineering portion of the license application filed March 15, 1971, by Cathryn C. Murphy, whether that application contains misrepresentations to the Commission, and, if so, the effect thereof on the qualifications of Cathryn C. Murphy to continue to be a Commission licensee; and

9. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the issue added herein shall be on the Broadcast Bureau, and the burden of proof under said issue shall be on Cathryn C. Murphy.

Adopted: June 18, 1971.

Released: June 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-9024 Filed 6-24-71;8:53 am]

[3] The Board agrees with the Bureau that good cause has been shown for the late filing of the subject petition.

[4] The issues now specified include an issue relating to "whether Mrs. Murphy has been so careless or has evidenced such disregard for the Commission's rules and reporting requirements that she cannot be relied upon to fulfill the responsibilities imposed upon her as a licensee of this Commission." While the basic questions raised here are within the scope of the issue, we, nevertheless, believe that they also warrant a misrepresentation issue, per se.

FEDERAL MARITIME COMMISSION.

CITY OF LONG BEACH AND KOPPEL BULK TERMINAL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Leonard Putnam, City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, Calif. 90802.

Agreement No. T-1942-1, between the city of Long Beach (City) and Koppel Bulk Terminal (Koppel), modifies the basic agreement which provides for the lease of a bulk terminal facility and grants Koppel a nonexclusive, preferential berth assignment. The purpose of the modification is to (1) enlarge the leased premises, (2) adjust the rental, (3) redefine the preferential berth assignment, and (4) change certain insurance provisions.

Dated: June 21, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8995 Filed 6-24-71;8:50 am]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 50-22 between the member lines of the Pacific Coast Australasian Tariff Bureau modifies the basic conference agreement, as amended, to provide for (1) a Declaration of Principle to be added to Article I wherein the parties "pledge to give impartial recognition and consideration, in all matters brought for conference deliberation, to the individual characteristics, needs, desires, and capabilities of each of the other member lines" and (2) the expansion of the cargo covered in Article II to include "cargo moving under intermodal conditions from inland points."

Dated: June 21, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-8996 Filed 6-24-71;8:50 am]

[Docket No. 71-42; Special Permission No. 5362]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic and Gulf/Puerto Rico Trade; Second Supplemental Order

By the original order in this proceeding served April 22, 1971, the Commission placed under investigation a general rate increase of the subject carrier, and suspended to and including August 24, 1971 supplements No. 9 to Tariffs FMC-F No. 18 and FMC-F No. 21. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 303 authority is sought to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to permit the filing, on less than statutory notice, of consecutively numbered revised pages 95 and 96 to Tariff FMC-F No. 21 in order to extend certain expiration dates to June 30, 1972, continuing in effect changes resulting in a reduction in rates and charges.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 71-42 to make the changes in rates and provisions as set forth in Special Permission Application No. 303, said changes to become effective on not less than 1 day's notice, is hereby granted.

2. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

3. Publications issued and filed under this authority shall bear the following notation: "Issued under authority of Second Supplemental Order in Docket No. 71-42 and Federal Maritime Commission Special Permission No. 5362."

4. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned changes, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.71-8997 Filed 6-24-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-1091 etc.]

KENMORE OIL CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 11, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-1091	Kenmore Oil Co., Inc	2	[6] 12	Transcontinental Gas Pipe Line Corp. (Wildcat Bayou Field, Terrebonne Parish) (Southern Louisiana).	$1,909	5-17-71		7-2-71	[15] 20.0	[12 15] 22.652	
RI71-1092	Mobil Oil Corporation	141	[7] 13	United Fuel Gas Co. (Thornwell Field, Jefferson Davis Parish) (Southern Louisiana).	251	5-14-71		6-20-71	[15] 21.1	[9 15] 22.375	RI71-492.
RI71-1093	Union Oil Co. of California	165	[3 4] 8	Transcontinental Gas Pipe Line Corp. (Block 208, Ship Shoal Area) (Offshore Louisiana).	69,350	5-14-71		6-20-71	[15] 19.0	[4 15] 20.0	
RI71-1094	Humble Oil & Refining Co.	281	[3 4] 15	Trunkline Gas Co. (Bayou Sale Field, St. Mary Parish) (Southern Louisiana).	13,231	5-14-71		6-20-71	[15] 22.375	[4 15] 20.0	RI71-700.
RI71-1095	Shell Oil Co. et al	40	14	El Paso Natural Gas Co. (Tubb-Blinebry Field, Lea County, N. Mex.) (Permian Basin).	348	5-17-71		8-2-71	18.4133	18.9253	RI71-297.
	do	41	27	do	9,463	5-17-71		8-2-71	18.4133	18.9253	RI71-297.
	do	341	8	do	61	5-17-71		8-2-71	18.4133	18.9253	RI71-297.
RI71-1096	Shell Oil Co	134	20	El Paso Natural Gas Co. (University Block 9 Field, Andrews County, Tex.) (Permian Basin).	4,289	5-17-71		8-2-71	16.7846	17.2933	RI71-297.
	do	142	18	El Paso Natural Gas Co. (Spraberry Trend, Reagan County, Tex.) (Permian Basin).	117	5-17-71		8-2-71	19.8364	20.3460	RI71-297.
	do	273	11	El Paso Natural Gas Co. (Yucca Butte Field, Pecos and Terrell Counties, Tex.) (Permian Basin).	3,146	5-17-71		8-2-71	18.3105	18.8188	RI71-297.

See footnotes at end of table.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
	____do____	305	10	El Paso Natural Gas Co. (South Andrews Field, Andrews County, Tex., Permian Basin).	$20	5-17-71		8-2-71	16.7845	17.2933	RI71-297.
RI71-1097	Union Texas Petroleum, a division of Allied Chemical Corp.	102	1	Natural Gas Pipeline Co. of America. (ROC Field, Ward County, Tex., Permian Basin).	46,500	5-18-71		7-19-71	[9] 22.0	[12] 27.0	
RI71-1098	Shell Oil Co.	16	15	El Paso Natural Gas Co. (Monahans Field, Ward and Winkler Counties, Tex.) (Permian Basin).	3,779	5-17-71		8-2-71	18.3165	18.8191	RI71-297.
	____do____	17	24	____do____	4,678	5-17-71		8-2-71	17.2933	17.8019	RI71-297.
	____do____	18	18	El Paso Natural Gas Co. (Ratliff-Bedford Field, Andrews County, Tex.) (Permian Basin).	3,998	5-17-71		8-2-71	17.2933	17.8019	RI71-297.
	____do____	20	24	El Paso Natural Gas Co. (Wassom Plant, Yoakum and Gaines Counties, Tex.) (Permian Basin).	185,702	5-17-71		8-2-71	17.193	17.694	RI71-297.
	____do____	34	19	El Paso Natural Gas Co. (Langmat Field, Lea County, N. Mex., Permian Basin).	1,079	5-17-71		8-2-71	[11] 17.0671	[11] 18.4769	RI71-297.
RI71-1099	Union Oil Co. of California.	164	5	Northern Natural Gas Co. (Denison Field, Sutton County, Tex., Permian Basin).	381	5-17-71		8-2-71	16.06	17.064	
RI71-1100	Union Texas Petroleum, a division of Allied Chemical Corp.	30	9	El Paso Natural Gas Co. (South Fullerton Field, Andrews County, Tex., Permian Basin).	2,099	5-20-71		7-21-71	15.19	19.3278	
		13	[12] 19	El Paso Natural Gas Co. (Jack Herbert Field, Upton County, Tex., Permian Basin).	279	5-20-71		7-21-71	12.79	16.2760	
					678				14.13	16.2760	
RI71-1101	Sun Oil Co.	239	5	Cimarron Transmission Co. (Enville Field, Love County, Okla., Other Area).	29	5-14-71		7-15-71	[13] [14] 15.9175	[13] [14] 18.8915	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Includes 0.277 B.t.u. adjustment for 1,063 B.t.u. gas.
[2] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413, as amended.
[3] Includes documents required by Opinion No. 567 establishing the discovery date of new reservoirs.
[4] Applicable only to reservoirs identified therein.
[5] Pursuant to Opinion No. 567 and Order No. 413.
[6] Pertains only to gas from interest acquired from Hassie Hunt Trust (formerly made under Hunt's Rate Schedule No. 22).
[7] Includes letter dated Apr. 4, 1971, whereby United advises Mobil that United is now contractually required to pay 22.375 cents.
[8] Based on the Favored Nation provision of Mobil's contract.
[9] Initial rate.
[10] Increase from initial certificated rate to contract rate.
[11] Includes 0.4167-cent compression charge by buyer.
[12] Applies only to residue gas not derived from new gas-well gas.
[13] Base rate subject to upward and downward B.t.u. adjustment.
[14] Includes base rate of 15 cents before increase and 17 cents after increase plus upward B.t.u. adjustment and tax reimbursement.
[15] Pressure base is 15.025 p.s.i.a.

All of the southern Louisiana increases are suspended for a period ending 45 days from the date of filing or 1 day from the contractually due date, whichever is later, consistent with prior Commission action on southern Louisiana increases exceeding the area rates set forth in Opinions Nos. 546 and 546-A. The proposed increased rates in areas outside southern Louisiana do not exceed the corresponding rate limitations for increased rates in southern Louisiana and are therefore suspended for a period ending 61 days from the date of filing or for 1 day from the contractually due date, whichever is later.

Certain respondents request either waiver of notice requirements or effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.71-8610 Filed 6-24-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5036]

ALABAMA POWER CO.

Notice of Proposed Charter Amendments and Solicitation of Proxies

JUNE 21, 1971.

Notice is hereby given that Alabama Power Co. (Alabama), 600 North 18th Street, Birmingham, AL 35203, an electric utility subsidiary company of The Southern Co. (Southern), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Alabama proposes to amend its charter so as to provide an increase in the authorized number of shares of preferred stock, par value of $100 per share, which the company may issue from 1,200,000 shares to 2 million shares. Alabama presently has 924,000 shares of preferred stock outstanding. It is stated that the primary reason for the proposed increase is to enable Alabama to be in a position to finance a portion of its construction requirements through the issuance of additional shares of preferred stock.

Alabama also proposes to amend its charter so as to make certain technical changes in the general terms and provisions relating to all of the preferred stock in order (a) to permit the sale of new issues of preferred stock with accrued dividends from the date of original issue rather than from the first day of the current dividend period within which originally issued and (b) to incorporate in the company's charter the protective provisions to which the preferred stock is already subject as set forth in the Commission's order of March 15, 1961 (Holding Company Act Release No. 14389), and certain supplemental orders. Alabama requests that at the time the proposed charter amendment becomes effective the terms and conditions previously prescribed no longer be effective.

Alabama further proposes (1) to change the authorized and issued shares of its common stock without nominal or par value into the same number of shares of common stock with a par value of $40 per share, (2) to increase common stock capital from $217,364,713.69 to $224,358,200.00 by the transfer of $6,993,486.31 from retained earnings, and (3) to amend the provisions of the charter relating to the issuance of capital stock in classes so as to be consistent with the present provisions of the Alabama Business Corporation Act. It is stated that the purpose of this proposal is to facilitate additional equity investments by Southern in Alabama.

Alabama proposes, pursuant to Rule 62 under the Act, to solicit proxies from the holders of its outstanding preferred stock in connection with a special meeting of stockholders in September 1971 which is to be called to take action upon the foregoing proposals. Such solicitation may be made personally, or by telephone, telegraph, or mail by company employees. Professional proxy solicitors may also be utilized. It is stated that Southern, the owner of all of the outstanding 5,608,955

shares of Alabama's common stock, proposes to vote all such shares for the adoption of the various proposed amendments and that the affirmative vote of a majority of the outstanding 924,000 shares of preferred stock is necessary for the proposed charter amendments regarding the preferred stock.

It is stated that the fees and expenses to be incurred in connection with the proposed transactions are estimated at $130,000, including an Alabama charter tax of $107,000, legal fees of $10,000, and fees for soliciting proxies of $4,000. It is also stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 8, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9003 Filed 6-24-71;8:51 am]

[File No. 24D-3055]

CIGARETTE BREAKERS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 15, 1971.

I. Cigarette Breakers, Inc. (issuer), Suite 304 Brooks Tower, 1020 15th Street, Denver, CO 80202, a Colorado corporation, filed with the Commission on March 5, 1971, a notification on Form 1-A and an offering circular relating to the offering of 60,000 shares of its $0.20 par value common stock at $5 per share, for an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder. Charisma Securities Corp. (Charisma), 6 Maiden Lane, New York, NY, was designated as the underwriter of the offering. Charisma was to purchase 30,000 shares of the offering at a price of $4.50 per share on a firm-commitment basis and was to reoffer such shares to the public at $5 per share. Charisma was to sell the remaining 30,000 shares of the offering on a best efforts basis and receive an underwriting commission of $0.50 per share sold. In addition, the issuer was to reimburse Charisma for expenses of the offering in an amount of up to $10,000, at the rate of $0.16⅔ per share sold. On May 24, 1971, the issuer filed a request that its notification under Regulation A be withdrawn.

II. The Commission has reasonable cause to believe on the basis of information reported to it by its staff that:

(A) The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

(1) The failure to disclose that the principal purpose of the incorporation of the issuer and the offering of its common stock was to create a market for the common stock of the issuer so that the promoter of the issuer, and others, could purchase and sell the common stock of the issuer and manipulate the market therefor, to their own benefit and enrichment.

(2) The failure to disclose that following the offering of the issuer's common stock, the promoter of the issuer intended to spread false rumors about the financial and operational condition of the issuer for the purpose of driving down the price at which the common stock of the issuer might be traded, during a period when the promoter, and others, were selling the common stock of the issuer "short", for the benefit and enrichment of the promoter and others.

(3) The failure to disclose that following the offering of the issuer's common stock, a director and principal security holder of the issuer, who allegedly controlled two funds, would attempt to manipulate the price of that security through the purchase and sale of the common stock of the issuer by those funds.

(4) The failure to disclose that the promoter of the issuer did not intend to make a genuine effort to promote the business of the issuer.

(5) The failure to disclose that Robert Ramm, the principal promoter of the issuer, is the subject of a Canada-wide warrant for fraud in connection with the promotion of Port Comm Communications Corp., Ltd., and the sale of shares of stock therein.

(B) The offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the matters described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended:

It is ordered, Pursuant to Rule 261(a), of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in this order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the 30th day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9005 Filed 6-24-71;8:51 am]

[70-5034]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

Notice of Proposed Issuance and Sale of Common Stock by Newly-formed Non-Utility Subsidiary Company and Acquisition Thereof by Holding Company and Issuance and Sale of Notes to Bank

JUNE 21, 1971.

Notice is hereby given that New England Electric System (NEES), a registered holding company, Massachusetts Gas System (Mass. Gas), a subsidiary holding company of NEES which directly owns the common shares of eight gas utility companies, and Massachusetts LNG, Inc. (Mass. LNG), 20 Turnpike Road, Westborough, MA 10581, have filed with this Commission an application-declaration and an amendment

thereto pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12(b) and Rules 42, 45, and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

The proposed transactions relate to a program of Mass. Gas to supplement the present natural gas supply needed during peak periods by its four larger gas utility subsidiary companies (Four Companies) through the use of liquefied natural gas. To implement such program, arrangements were made whereby a nonaffiliate company would liquefy and store pipeline gas at Lynn, Mass., in amounts equivalent to 1 billion cubic feet. An additional storage facility is being constructed in Salem, Mass., with a similar capacity. Construction of the Lynn facility started in 1969, with completion scheduled for November 1, 1971, at an approximate cost of $10 million. On April 1, 1971, the company constructing the Lynn facility informed the Four Companies that it had been unable to arrange for adequate financing, as originally contemplated, and that the Four Companies would have to secure such financing. It is in consequence of such information that the proposed transactions outlined below were formulated.

It is proposed that Mass. LNG, a new wholly owned subsidiary company of Mass. Gas, issue and sell up to $15 million at any one time outstanding of its short-term construction notes until September 30, 1972, to The First National Bank of Boston (First National), which notes are to be guaranteed by Mass. Gas. Mass. Gas proposes to acquire an initial issuance of 100 shares of Mass. LNG stock, par value $1 per share, for $1,000. The proceeds will be used by Mass. LNG to meet construction expenses for the Lynn and Salem facilities and for related corporate purposes.

The notes are to bear interest at a rate not greater than a percent and a half above the nominal prime rate in effect at First National at the time the notes are issued and sold, with no compensating balances being required by First National. The notes are to mature in less than 1 year from date of issuance but not later than December 31, 1972, and will be prepayable in whole or in part without premium. It is stated that a determination as to whether these facilities will, upon completion, be leased or owned and permanently financed by Mass. LNG has yet to be made. Any permanent financing by Mass. LNG will be the subject of future filings with the Commission.

It is stated that no fees or commissions will be paid in connection with the proposed transactions, and that incidental services estimated at $3,000 will be performed by the NEES system service company at cost. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than 12 noon, July 6, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-9004 Filed 6-24-71;8:51 am]

TARIFF COMMISSION

[AA1921-75]

CHICKEN EGGS IN THE SHELL FROM MEXICO

Determination of No Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on March 22, 1971, that chicken eggs in the shell from Mexico are being, and are likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-75 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on May 17, 1971.[1] Notices of the investigation and hearing were published in the FEDERAL REGISTER of March 27, 1971 (36 F.R. 5821), and April 17, 1971 (36 F.R. 7330).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from personal interviews and other sources.

On the basis of the investigation, the Commission[2] has unanimously determined that no industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of chicken eggs in the shell from Mexico sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

In our opinion, no industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of chicken eggs in the shell from Mexico sold at less than fair value (LTFV).

The industry. The interested industry claiming injury consisted of the domestic producers of chicken eggs, most of whom were represented by the complainant, the United Egg Producers, Atlanta, Ga. No other industry claimed to be injured and there appeared to be no other industry likely to be adversely affected by such imports.

Sales of LTFV imports. In this case the Mexican exporters sold eggs for future delivery under contracts on the Chicago Mercantile Exchange. The contracts contemplated delivery of the eggs some 2 to 6 weeks subsequent to the date of sale. The futures contracts were sold indiscriminately with all other futures contracts for domestic eggs and were sold at the highest obtainable prices on the market. No price discrimination was made because of the source of the eggs, all of which had, under the terms of the contract, to be fresh eggs and to meet specified U.S. Department of Agriculture standards respecting quality, size, and color. In fact, buyers of such contracts generally know that delivery of eggs may be made from any source, foreign or domestic, but do not know the actual source until the eggs are delivered. Thus, there was no price discrimination in the market place when the Mexican eggs were sold in competition with domestic eggs. Moreover, no dumping margin existed at this time which could influence the market price of the futures contracts covering the Mexican eggs; fair value or foreign market value was not ascertainable under the provisions of the Antidumping Act until the dates on which the eggs were exported, dates which were 2 to 6 weeks later than the sale dates.

[1] A public hearing was originally scheduled for May 3, 1971.

[2] Commissioner Bruce E. Clubb, who was a member of the Commission until June 16, 1971, did not participate in the Commission's decision.

The futures market for shell eggs is a mechanism by which suppliers and users of eggs can reduce risks of losses due to subsequent price fluctuations in the cash market; many in the egg producing industry use futures sales in the normal course of business to hedge the price of future production. Prices on the futures market generally reflect traders' expectations of supply at some future time in conjunction with their expectations of demand at the same future time. In this case the Mexican exporters used the futures market to protect against a risk of a price decline; they, like some of the domestic producers who sold futures, failed to anticipate the rise in prices which followed. The Mexicans would have received more than they did if they had sold their eggs later in the cash market. The sale of egg futures contracts on the Exchange is subject to strict regulation by the U.S. Department of Agriculture and is an accepted fair method of competition in the sale of eggs in the shell.

How dumping margin arose—technical dumping. As a result of a rise in the price of eggs in Mexico by the time the exporters' eggs were entered into the United States, the purchase prices (derived by construction from the sale prices of the futures contracts) were lower than the home market price for eggs in Mexico, and the U.S. Department of the Treasury appropriately determined that there were sales at LTFV. However, considered in light of the method by which these eggs were sold well in advance of importation under a fair method of competition, we characterize the sales at LTFV as technical sales at LTFV in harmony with well established precedents of this Commission.[3] The margins of dumping in this case arise from the unusual effect of the time sequence between sales and importation rather than actual price discrimination or other anticompetitive practices.

No injury by reason of dumping. This Commission has unanimously held on a number of occasions that the mere presence or sale of "LTFV" goods in the U.S. market is not ipso facto evidence of injury to an industry as contemplated by the Antidumping Act. An injury to an industry must be caused by reason of the amount of price discrimination (the dumping margin). Without such causal connection, there can be no injury. In this case we found no causal connection for two reasons: (1) The imported eggs and the domestic eggs were sold in the futures market under identical conditions at the highest obtainable price, and (2) there was no dumping margin in existence at the time the futures contracts were sold and therefore the technical dumping could have no causal relation to the prices of those contracts. The sales of the futures contracts, moreover, had no evident adverse effect on futures prices on the days the contracts were sold. For these reasons we determine there is no injury to an industry in the United States nor is there any likelihood of such injury when Mexican eggs are sold on the Exchange under like circumstances. Further, we found no evidence that any prospective egg producer was prevented from entering the business by reason of such imported eggs.

Injury claimed by complainant. The complainant in this case relied heavily on a claim of injury by reason of the presence of the LTFV eggs in the domestic market which is said to have depressed the prices of eggs in the cash market and prevented the prices of eggs from attaining the level they would have reached had such eggs not entered our market. Although we do not regard LTFV imports per se as a test of injury within the purview of the Antidumping Act, as indicated above, we would note that any injury from this factor was de minimis.[4] During the brief period of technical dumping (38) days), imports amounted to about one-fourth of 1 percent of domestic production. Competition in this respect was not widespread and we could find no demonstrable causal effect on the market prices of shell eggs.

By direction of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.71-9008 Filed 6-24-71;8:51 am]

[3] See, for example, Titanium Dioxide From France, AA1921-31, TC Publication 109, Sept. 1963, and Rayon Staple Fiber From France, AA1921-17, TC Publication 18, May 1961.

[4] Commissioner Leonard found no evidence to indicate injury, de minimis or otherwise, by reason of the less-than-fair-value eggs imported from Mexico.

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year.

A. & W. Root Beer Drive In, Inc., restaurant; 1327 Prairie Avenue, Pueblo, CO; 3-16-72.

Alfredo Santos Grocery, Inc., foodstore; 1901 Santa Maria, Laredo, TX; 3-19-72.

Alta Foodland, foodstore; Alta, Iowa; 3-18-71 to 2-25-72.

Andy's Red Owl, foodstore; Litchfield, Minn.; 2-25-72.

Any Time Inn, restaurant; Eppley Airfield, Omaha, NE; 3-4-71 to 2-27-72.

B & B Super Service, foodstore; 103 Victoria Street, Kenedy, TX; 3-3-72.

E. W. Banks Co., variety-department store; 20-22 North Jackson Street, Forsyth, GA; 2-25-72.

Beck's Food Store, foodstore; 207 First Street, Schertz, TX; 3-9-72.

Belle Meade Drug, Inc., drugstore; 4324 Harding Road, Nashville, TN; 3-14-72.

Ben Franklin Store, variety-department store; No. 7544, Joplin, Mo.; 3-4-72.

Bethel Lutheran Home for Aged, nursing home; Williston, N.C.; 3-3-71 to 2-25-72.

Birchwood Club, restaurant; 27th and Redick Avenue, Omaha, NE; 3-11-71 to 3-9-72.

J. B. Bishop Store, foodstore; Valley Falls, S.C.; 3-9-71 to 3-2-72.

Bob's North Side Drugs, Inc., drugstore; 1303 Calumet, Valparaiso, IN; 3-3-72.

Brackle's, Inc., foodstore; 1013 B Street, Fairbury, NE; 3-15-71 to 3-9-72.

Brock Enterprise, Inc., restaurant; 8320 Airport Road, Berkeley, MO; 3-11-72.

Burger Chef, restaurant; 319 Second Street, Defiance, OH; 2-24-72.

Burke Pharmacy Inc., drugstore; 1813 North Cleburn, Grand Island, NE; 3-18-71 to 2-25-72.

Bus's High Street Market, foodstore; 70 East High Street, London, OH; 2-24-72.

Byrd Food, Inc., foodstores, 3-3-72: 1600 South Church Street, Burlington, NC; 2011 West Webb Avenue, Burlington, NC; 320 Harden Street, Graham, NC.

Cambridge Nursing Home, Inc., nursing home; 548 West First Street, Cambridge, MN; 3-1-71 to 2-28-72.

Carmel Home, nursing home; 2501 Old Hartford Road, Owensboro, KY; 2-26-72.

Carson Supermarket, foodstore; 217 Edwards Street, Merkel, TX; 3-13-72.

Cattan's Food Market, foodstore; 2902 North Navarro, Victoria, TX; 3-13-72.

Chambers Super Market, foodstore; Wink, TX; 2-26-72.

Charles A. Stewart Co., Inc., apparel store; 116-118 South Garnett Street, Henderson, NC; 3-1-71 to 2-24-72.

Chase Gardens, agriculture; Eugene, Oreg.; 3-1-71 to 2-28-72.

Claude's Food Center, foodstore; Route 1, Hominy, OK; 2-17-72.

Coker's Pedigreed Seed Co., agriculture; 1221 Carolina Avenue, Hartsville, SC 3-19-72.

Colorado Drumstick, Inc., restaurant; 6301 East Colfax Avenue, Denver, CO; 3-3-71 to 2-25-72.

Corhern's Big Star, foodstore; 400 Russell Street, Starkville, MS; 3-6-72.

Cornerstone Farm & Gin Co., agriculture; Pine Bluff, Ark.; 2-29-72.

Craft's Drug Store, drugstores, 3-1-71 to 2-28-72: Nos. 1, 2, 3, and 4, Spartanburg, S.C.

Debroeck's Big Star Market, foodstore; 400

Dix Road, Jefferson City, MO; 3-3-71 to 2-28-72.

DeMars, Inc., apparel store; 6101 West Cermak Road, Cicero, IL; 3-1-72.

Denny's Department Store, variety-department store; 420-422 Gallatin Street, Vandalia, IL; 2-26-72.

Denton's Supermarket, foodstore; Dallas, Ga.; 3-10-72.

Denver Drumstick, Inc., restaurant; 6501 West Colfax Avenue, Denver, CO; 3-3-71 to 2-25-72.

Dillon Co., Inc., foodstores, 2-23-72: Nos. 2 and 12, Dodge City, Kans.; No. 15, Garden City, Kans.; Nos. 3 and 20, Great Bend, Kans.; No. 22, Greensburg, Kans.; No. 16, Hays, Kans.; No. 9, Larned, Kans.; No. 23, Lyons, Kans.; No. 17, McPherson, Kans.; No. 6, Newton, Kans.; No. 21, Pratt, Kans.; Nos. 5, 27, and 41, Salina, Kans.; No. 11, St. John, Kans.; No. 7, Sterling, Kans.; Nos. 18, 19, 28, 29, 30, 31, 33, 36, and 42, Wichita, Kans.

Dodson's Cafeteria Co. restaurants, 3-15-72: 2150 Southwest 59th Street, Oklahoma City, OK; 4101 South Western, Oklahoma City, OK.

Don's Super Valu, Inc., foodstore; 111 First Avenue South, Long Prairie, MN; 3-4-72.

Dow-Rummel Village, nursing home; 1000 North Lake Avenue, Sioux Falls, SD; 3-3-71 to 2-26-72.

Downtown Supermarket, Inc., foodstore; Monticello, Ky.; 3-2-72.

Eagle Stores Co., Inc., variety-department stores: Midtown Plaza Shopping Center, North Wilkesboro, N.C., 3-8-72; No. 42, Pageland, S.C., 2-9-72.

Eighth Avenue Meat & Grocery, foodstore; 376 Eighth Avenue, Salt Lake City, UT; 3-17-71 to 3-10-72.

O. K. Fairbanks Co., foodstores, 3-13-72: 84 Marlboro Street, Keene, NH; 480 West Street, Keene, NH.

Farmers Union Co-Operative Association, variety-department store: Wisner, Nebr.; 3-17-72.

Fedder's Fashion Shop, variety-department store; 103 Main Street, Easley, SC; 3-2-72.

Fields Pharmacy, Inc., drugstore; 1401 Reisterstown Road, Pikesville, MD; 2-22-72.

Fitzgerald's HWI Hardware, Inc., hardware store; 970 West Maple Road, Walled Lake, MI; 3-9-72.

Food Fair Super Market, foodstore; 890 Second Street, Macon GA; 2-20-72.

Food Town Store, foodstore; No. 1, Bessemer, Ala.; 3-10-72.

Forest-Oaks-Thrifty-Mart, foodstore; 9335 Howard Drive, Houston, TX; 3-14-72.

J. H. Galley Florists, Inc., agriculture; 2244 Union Road, West Seneca, NY; 3-31-72.

George Regester, Inc., florist; 8833 Belair Road, Baltimore, MD; 3-10-72.

Giant Food Market, foodstores, 3-1-71 to 2-28-72; No. 6, Bristol, Tenn.; Nos. 2 and 4, Johnson City, Tenn.; No. 3, Kingsport, Tenn.

Goldblatt Bros., Inc., variety-department stores: 3149 North Lincoln Avenue, Chicago, IL, 2-25-72; 7975 South Cicero Avenue, Chicago, IL, 3-17-72.

Golden Drumstick, Inc., restaurant; 1490 South Colorado Boulevard, Denver, CO; 3-3-71 to 2-25-72.

W. T. Grant Co., variety-department stores: No. 660, Ramsey, N.J., 3-5-72; No. 63, Hazleton, Pa., 3-2-71 to 2-29-72.

Harrod's Thrift Market & Bakery, foodstore; 320 North White Street, Athens, TN; 2-24-72.

Harry G. Stephens Farm, agriculture; 345 St. Andrews, West Helena, AR; 3-9-72.

Henderson Drugs, Inc., drugstore; 5941 Kingston Pike, Knoxville, TN; 3-11-72.

Hirsch's Thriftway, Inc., foodstore; 241 South Sprigg Street, Cape Girardeau, MO; 3-15-71 to 3-12-72.

Hodges, foodstore; No. 4, Dallas, Tex.; 3-2-72.

Holcomb Pharmacy, drugstore; 1209 Second Street, Perry, IA; 3-3-71 to 2-27-72.

Holiday Inn, motel; Bismarck, N. Dak.; 3-12-71 to 3-9-72.

Holprins, Inc., foodstore; Eagle River, Wis.; 3-7-72.

Hook's Foods, Inc., foodstores; Grundy Center, Iowa, 3-3-71 to 2-22-72; Reinbeck, Iowa; 2-20-72.

Host International Glass House, restaurant; Vinita, Okla.; 3-6-72.

Hosterman & Stover Co., Inc., hardware store; Millheim, Pa.; 3-8-71 to 3-3-72.

Howland-Hughes Co., variety-department store; 120-140 Bank Street, Waterbury, CT; 2-29-72.

Hudson's Big Country Store, Inc., variety-department store; Coalgate, Okla.; 2-26-72.

Johnson's Pharmacy, Inc., drugstore; 121 West Washington Street, Marquette, MI; 3-6-72.

Kelley's Thriftway, foodstore; 420 West Kingshiway, Paragould, AR; 3-5-72.

Kewanee Public Hospital, hospital; 719-721 Elliott Street, Kewanee, IL; 3-1-71 to 2-28-72.

Kilpatric's Market, foodstore; North Center Street, Willow Springs, MO; 3-18-71 to 3-1-72.

King's Food Host USA, restaurant; 1955 28th Street, Boulder, CO; 3-16-72.

S. S. Kresge Co., variety-department stores: No. 750, St. Petersburg, Fla., 3-1-72; No. 717, Atlanta, Ga., 2-20-72; No. 714, Fort Worth, Tex., 2-25-72.

LaFour Minimax, foodstore; 923 Main Street, Liberty, TX; 2-28-72.

Lambert's, Inc., apparel store; 109 North Grand, Enid, OK; 3-3-72.

Lamppa's, Inc., variety-department store; Embarrass, Minn.; 3-1-71 to 2-28-72.

Landers Brothers Co., foodstore; Nowata, Okla.; 2-26-72.

Lawrence and Paul Selkel, Inc., variety-department store; Harrah, Okla.; 3-9-72.

Lerner Shops, apparel store; No. 100, Easton, Pa.; 3-16-72.

Lett Rexall Drug, drugstore; 4337 Southeast 15th Street, Del City, OK; 2-20-72.

Littleton's Market, Inc., foodstore; 2831 Dartmouth Avenue, Bessemer, AL; 3-4-72.

Madison Manor, nursing home; 411 East Lane Street, Winterset, IA; 3-11-71 to 3-9-72.

Madonna Home, Inc., nursing home; 5515 South Street, Lincoln, NE; 3-11-71 to 2-8-72.

McDonald's Hamburgers, restaurants, 2-29-72: 2170 East Lake Road, Erie, PA; 4319 Peach Street, Erie, PA; 909 Peninsula Drive, Erie, PA.

McKnight Lanes, bowling alley; 7507 McKnight Road, Pittsburgh, PA; 3-15-72.

McLain's, footstore; Shepherd, Tex.; 2-24-72.

Mecca Convalescent Home, nursing home; 916 Southwest, U.S. No. 1, Vero Beach, Fla.; 2-22-71 to 2-19-72.

Melman's, foodstore; 924 Brookline Boulevard, Pittsburgh, PA; 3-3-72.

Mercy Hospital, hospital; 2601 Eighth Avenue, Altoona, PA; 3-9-72.

Messer Drug Co., drugstore; Two East Peoria, Paola, KS; 3-3-71 to 2-27-72.

Metzger Stores, hardware store; 901 18th Street, Los Alamos, NM; 3-6-72.

Micka's Market, Inc., foodstore; 199 Cole Road, Monroe, MI; 2-26-72.

Mile-Hi Drumstick, Inc., restaurant; 7400 Federal Boulevard, Westminister, CO; 3-3-71 to 2-25-72.

Minimax, foodstore; 209 East Main Street, Edna, TX; 2-29-72.

Mission Minimax, foodstore; 1137 East Ninth Street, Mission, TX; 3-1-71 to 2-28-72.

Moore's Department Store, Inc., variety-department store; Clarkson, Nebr.; 3-16-71 to 2-1-72.

Morimoto Market, foodstore; 6601 Menaul NE., Albuquerque, NM; 2-17-72.

Moyer's Cigar Store, cigarstore; 100 South Ninth Street, Reading, PA; 3-1-72.

Neisner Brothers, Inc., variety-department store; No. 167, Cutler Ridge, Fla.; 3-5-72.

J. J. Newberry Co., variety-department store; No. 27, Coatesville, Pa.; 3-1-71 to 2-28-72.

Nicholas Drug Store, Inc., drugstore; 123 West Third Street, Grand Island, NE; 3-3-71 to 2-27-72.

Northern Farmers Co-op Society, variety-department store; Cook, Minn.; 3-1-71 to 2-28-72.

P & T Food Center, foodstores; Alabaster, Ala.; 3-14-72.

Park 'N Shop Food Mart, Inc., foodstores; 301 Robeson Street, Fayetteville, NC, 3-1-71 to 2-28-72; East Broad Street, St. Pauls, NC, 2-23-72.

Parker's Foodliner I.G.A., foodstore; Medicine Lodge, Kans.; 3-11-72.

B. Peck Co., variety-department store; 184 Main Street, Lewiston, ME; 3-17-72.

Pfeiffer's Drugs, drugstore; 2501 West Cervantes Street, Pensacola, FL; 2-17-72.

Piggly Wiggly, foodstores, 3-5-72, except as otherwise indicated: 201 Kirkland Street, Abbeville, AL; 501 Claxton Street, Elba, AL; South Broad Street, Eufaula, AL; 806 Water Street North, Geneva, AL; 315 Forrest Avenue, Luverne, AL; 109 East Avenue, Ozark, AL; One East Main Street, Samson, AL; Brundidge Street, Troy, AL; 300 Southeast Washington, Idabel, OK, 2-27-72; 707 West Main Street, Clarksville, TX, 2-27-72; Washington and Bonham, Commerce, TX, 2-27-72; 1310 11th Street, Huntsville, TX, 2-27-72; New Boston, TX, 2-26-72; Nos. 2, 3, and 4, Waco, TX, 2-27-72; Grundy, VA, 2-23-72.

Poquette's Super Market Inc., foodstore; 20 Hosmer Street, Marinette, WI; 3-7-72.

Ralph's Super Valu, Inc., foodstore; 110 West Main Street, Beresford, SD; 3-18-71 to 1-9-72.

Rite-Way Foodliners, Inc., foodstore; 135 East Eufaula Street, Norman, OK; 3-1-71 to 2-28-72.

Ritter's Oakwood Manor, Inc., nursing home; 400 Highway 18 West, Clear Lake, IA; 3-16-72.

Rockford Dry Goods, apparel store; 6321 North Second Street, Loves Park, IL; 3-14-72.

Rogerson Restaurant, restaurant; 153 Main Avenue East, Twin Falls, ID; 3-1-71 to 2-28-72.

Sacred Heart Hospital, Inc., hospital; 626 N Street, Loup City, NE; 3-10-72.

Sadowski Super Market, foodstore; 800 Fayette Avenue, Belle Vernon, PA; 3-17-72.

St. Anthony Hospital, hospital; South Clark Street, Carroll, IA; 3-15-71 to 3-12-72.

St. Joseph Hospital, hospital; 602 West Sixth Street North, Cheyenne Wells, CO; 2-20-72.

St. Vincent Hospital, hospital; Xavier Heights, Leadville, Colo.; 3-16-72.

Sanford Memorial Hospital, hospital; 913 Main Street, Farmington, MN; 2-23-72.

Santa Fe Drumstick, Inc., restaurant; 4095 South Santa Fe Drive, Englewood, CO; 3-3-71 to 2-25-72.

Scoco Corp., apparel store; 300 West Main Street, Oklahoma City, OK; 2-23-72.

Shadid's Food Store, foodstore, 2318 North Pennsylvania, Oklahoma City, OK; 2-27-72.

Sharon Super Market, foodstore; Highway 45 East, Sharon, TN; 3-9-72.

Shawnee Restaurant, Inc., restaurant; 2808 Scioto Trail, Portsmouth, OH; 2-24-72.

Sherry Hardware, hardware store; 1716 West Fourth Street, Davenport, IA; 3-4-71 to 2-16-72.

Shop Rite, Inc., foodstores, 3-1-71 to

2-28-72: Fort Oglethorpe, Ga.; Ringgold, Ga.

Silver Lining, restaurant; Eppley Airfield, Omaha, NE; 3-4-71 to 2-27-72.

Singmon-Valentine Market, Inc., foodstore; 511 East 135th, Kansas City, MO; 2-25-72.

Smith Nursery Co., agriculture; Ninth and Allison Streets, Charles City, IA; 3-4-71 to 3-1-72.

Spendthrift Farm, agriculture; Lexington, Ky.; 3-1-71 to 2-28-72.

Spurgeon's, variety-department stores, 2-25-72, except as otherwise indicated: East Side of Square, Canton, IL; 816 Fifth Avenue, Antigo, WI; 108 West Cook, Portage, WI, 3-3-72.

Stanley's Department Store, Inc., variety-department store; 218 East Johnson Street, Greenwood, MS; 3-17-72.

Stephersons Big Star 10, foodstore; 4625 Poplar, Memphis, TN; 3-1-71 to 2-28-72.

Sterling Stores Co., variety-department store; 626 Main Street, Jacksonville, AR; 3-2-72.

Studstill Grocery & Market, foodstore; 114 South Valdosta Road, Lakeland, GA; 3-2-72.

Sullivan's Restaurant, Inc., restaurant; 2510 East Genesee Avenue, Saginaw, MI; 3-10-72.

Sureway Food Store, foodstores, 3-14-72; No. 4, Henderson, Ky.; No. 9, Madisonville, Ky.; No. 5, Morganfield, Ky.; No. 8, Princeton, Ky.

Sutton's Food City, foodstore; 1935 North Topeka Boulevard, Topeka, KS; 3-19-72.

T. G. & Y. Stores Co., variety-department stores, 3-12-72, except as otherwise indicated: No. 150, Kansas City, Mo. (3-3-71 to 2-28-72); No. 301, St Joseph, Mo. (2-18-72); No. 79, Sand Springs, Okla.; Nos. 1, 68, and 71, Tulsa, Okla.

Taylor Drug Store, drugstore; G-5543 Richfield Road, Flint, MI; 2-27-72.

Temple Avenue Department Store, variety-department store; 143 Temple Avenue, Newnan, GA; 1-31-72.

Tom Thumb Stores, Inc., foodstores, 2-23-72: Nos. 3, 4, 15, and 18, Dallas, Tex.

Tomlinson Stores, Inc., variety-department stores: 155 North Dargan Street, Florence, SC, 2-26-72; 806 Front Street, Georgetown, SC, 2-17-71 to 10-16-71.

Trey's Department Store, variety-department store; Main Street, Parkersburg, IA; 3-5-72.

Variety Foods, foodstore; 44th and South Walker, Oklahoma City, OK; 2-26-72.

Verne Hainline, restaurant; Grand Island, Nebr.; 2-23-71 to 2-20-72.

Victoria Pharmacy, drugstore; Victoria, Tex.; 2-12-72.

Warren's IGA Supermarket, foodstore; Medford, Okla.; 2-17-72.

P. Wiest's Sons, variety-department store; 14-20 West Market Street, York, PA; 2-22-72.

Zarda Brothers Dairy Inc., foodstores, 3-15-72: No. 4, Grandview, Mo.; No. 2, Kansas City, Mo.; No. 3, Raytown, Mo.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

A to Z Supermarket, foodstore; 2823 Main Street, Hurricane, WV; carryout, stock clerk, cashier; 16 to 22 percent; 3-15-72.

Allen's of Hastings, Inc., variety-department store; 1115 West Second Street, Hastings, NE; carryout, stock clerk, cleanup; 20 percent; 3-19-71 to 3-6-72.

W. R. Angle & Co., Inc., foodstore; 25 East Main Street, Christiansburg, VA; stock clerk, bagger; 9 to 12 percent; 3-13-72.

Ben Franklin Store, variety-department store; 828 South Main Street, West Bend, WI; salesclerk, cashier; 9 to 40 percent; 3-15-72.

Bill Crook's Food Town, foodstores, for the occupations of bagger, stock clerk, 3-8-72: No. 3, Hendersonville, Tenn., 9 to 10 percent; No. 4, Nashville, Tenn., 10 to 11 percent.

Bruners, variety-department store; 1007 Southwest West White Road, San Antonio, TX; salesclerk, stock clerk, office clerk, janitorial; 10 to 28 percent; 3-5-72.

Byrd Food Stores, Inc., foodstores, for the occupations of bagger, carryout, janitorial, stock clerk, cashier, 18 percent, 3-14-72; 727 East Davis Street, Burlington, NC; 2120 North Church Street, Burlington, NC; 110 Washington, Leaksville, NC; 506 Center Street, Mebane, NC; 121 North Madison Avenue, Roxboro, NC; 408 North Second Avenue, Siler City, NC.

Carson Pirie Scott & Co., variety-department store; 3232 Lake Avenue, Wilmette, IL; salesclerk, stock clerk, wrapper; 2 to 8 percent; 3-1-71 to 2-28-72.

Centers, variety-department store; 151-159 Main Street, Waterville, ME; salesclerk, office clerk, stock clerk; 10 percent; 3-14-72.

Craft's Drug Store, drugstores, for the occupation of salesclerk, 8 percent, 3-1-71 to 2-28-72; No. 5, Gaffney, S.C.; No. 10, Greer, S.C.; Nos. 6 and 9, Spartanburg, S.C.

Debroeck's Big Star Market, foodstore; 435 Clark Avenue, Jefferson City, MO; cashier, stock clerk, carryout, wrapper, maintenance, meatcutter; 11 to 32 percent; 3-15-71 to 3-12-72.

The Dillon Co., Inc., foodstores, for the occupations of cashier, checker, carryout, clerk, maintenance, wrapper, 11 to 32 percent, 2-23-72, except as otherwise indicated: No. 101, Fayetteville, Ark.; No. 103, Ozark, Ark.; No. 102, Paris, Ark.; No. 104, Prairie Grove, Ark.; No. 49, Lawrence, Kans. (8 to 28 percent); No. 32, Mulvane, Kans. (11 to 30 percent); No. 24, Newton, Kans. (11 to 25 percent); No. 35, Wichita, Kans. (9 to 17 percent).

Edsel's AG Supermarket, foodstore; 100 Avenue F, Kentwood, LA; bagger, stock clerk, catalogue fillers; 8 to 15 percent; 2-15-72.

Erdman Supermarket, Inc., foodstores, for the occupations of checker, carryout, stock clerk, cleanup, 10 percent, 2-20-72, except as otherwise indicated: 19 Second NW., Kasson, MN (5 to 8 percent); 404 Fourth Street SE., Rochester, MN (2-23-72); 1652 Highway 52 North, Rochester, MN; 1402 North Broadway, Rochester, MN (2-23-72).

Ernie's Super Valu, foodstore; 606 Grundy Avenue, Reinbeck, IA; sacker, carryout; 3 to 5 percent; 3-11-71 to 3-7-72.

Food Town, foodstores, for the occupation of bagger, 22 to 41 percent, 3-10-72: No. 2, Bessemer, Ala.; No. 4, Homewood, Ala.; No. 3, Hueytown, Ala.; No. 6, Pinson, Ala.; No. 5, Pleasant Grove, Ala.

Giant Food Market, Inc., foodstores, for the occupations of carryout, cashier, stock clerk, 20 to 22 percent, 3-1-71 to 2-28-72, except as otherwise indicated: No. 5, Alcoa, Tenn. (3-15-72); No. 12, Greeneville, Tenn.; No. 10, Johnson City, Tenn.; Nos. 8 and 9, Kingsport, Tenn.

Gibson Products Co., variety-department store; 1318 West Doolin, Blackwell, Okla.; salesclerk, stock clerk, cashier; 8 to 16 percent; 3-8-72.

Goldblatt Brothers, Inc., variety-department store; Fairplain Plaza, Benton Harbor, Mich.; salesclerk, stock clerk; 5 to 6 percent; 3-10-72.

Good Samaritan Center, nursing home; Syracuse, Nebr.; nurse's aide, maintenance; 0 to 8 percent; 3-13-72.

H. E. B. Food Store, foodstores, for the occupations of package clerk, sacker, bottle clerk, 10 percent, 3-10-72; No. 111, Austin, Tex.; No. 115, Sinton, Tex.

Hodges, foodstore; No. 5, Grand Prairie, Tex.; package clerk, stock clerk; 10 to 14 percent; 3-2-72.

Hunts Store, foodstores, for the occupations of stock clerk, package clerk, 11 to 14 percent, 2-23-72: Nos. 408 and 432, Dallas, Tex.

Huntsville Grocery Co., Inc., foodstroe; 1310 Avenue L, Huntsville, TX; stock clerk, checker, sacker, clerk; 10 percent; 2-27-72.

S. S. Kresge Co., variety-department stores, for the occupations of stock clerk, maintenance, office clerk, food preparation, salesclerk, register operation, counter filling, customer service, 11 to 22 percent, except as otherwise indicated: No. 4295, Miami, Fla., 3-11-72 (salesclerk, 7 to 24 percent); No. 4355, St. Petersburg, Fla., 3-11-72 (salesclerk, 7 to 24 percent); No. 226, Calumet City, Ill., 3-7-72 (salesclerk, stock clerk, checker-cashier, office clerk, 18 to 33 percent); No. 4595, Olney, Ill., 3-12-72 (salesclerk, stock clerk, checker-cashier, office clerk, 9 to 16 percent); No. 4020, Detroit, Mich., 3-26-72 (10 percent); No. 246, Grand Rapids, Mich., 2-27-72 (2 to 11 percent); No. 4082, Troy, Mich., 3-5-72 (8 to 10 percent); No. 4163, Westland, Mich., 3-5-72 (10 percent); No. 4112, Asheville, N.C., 2-21-72 (salesclerk, checker); No. 4075, Raleigh, N.C., 2-7-72 (salesclerk); No. 775, Wilmington, N.C., 3-2-72 (checker, salesclerk); No. 4175, Canton, Ohio, 2-23-72 (6 to 17 percent); No. 4153, Cincinnati, Ohio, 2-24-72 (salesclerk, stock clerk, checker-cashier, maintenance, display clerk, office clerk, 7 to 22 percent); No. 4023, Amarillo, Tex., 2-20-72 (salesclerk, stock clerk, office clerk, checker-cashier, customer service, 0 to 7 percent); No. 4236, Houston, Tex., 2-18-72 (salesclerk, 7 to 27 percent).

Lerner Shops, apparel store; 4142-48 Melrose Avenue, Roanoke, VA; salesclerk, cashier, credit clerk; 2 to 18 percent; 3-16-72.

Wm. A. Lewis Clothing Co., apparel store; 8037-41 South Cicero, Chicago, IL; receptionist, stock clerk, checkwriter, wrapper; 8 to 10 percent; 3-12-72.

Leys Department Store, variety-department store; Burlington, Wis.; salesclerk, stock clerk, office clerk; 8 to 12 percent; 3-1-71 to 2-28-72.

Lo Mark, Inc., foodstore; Cumberland Street, Dunn, N.C.; bagger, carryout, cashier, janitorial, stock clerk; 18 percent; 3-1-72.

J. E. Mayes, agriculture; Mayesville, S.C.; farm laborer; 0 to 22 percent; 3-11-71 to 2-11-72.

McCrory-McLellan-Green Stores, variety-department stores, for the occupations of salesclerk, stock clerk, office clerk, except as otherwise indicated: No. 226, Savannah, Ga.; 10 to 31 percent, 3-14-72; No. 269, Munster, Ind., 7 to 16 percent, 3-1-71 to 2-28-72; No. 373, Bowie, Md., 27 to 38 percent, 3-6-72 (salesclerk, stock clerk, office clerk, cashier); No. 1307, Bergenfield, N.J., 19 to 37 percent, 3-15-72; No. 398, Feasterville, Pa., 11 to 26 percent, 2-29-72.

Mr. H's Fine Foods, foodstore; 7635 West Bluemound, Milwaukee, WI; bagger, carryout, stock clerk, clean up; 17 to 23 percent; 3-3-72.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, office clerk, stock clerk, janitorial, 3-15-72: No. 315, Corry, Pa., 9 to 25 percent; No. 325, Harrisburg, Pa., 17 to 25 percent.

Nathan's Jewelers, jewelry store; 129 South Chadbourne Street, San Angelo, TX; salesclerk, gift wrapper; 7 to 27 percent; 3-11-72.

Novak IGA, foodstore; First and Lincoln, Ellsworth, KS; meat department clerk, produce department clerk, stock clerk, courtesy clerk, janitorial; 14 to 30 percent; 3-5-71 to 3-3-72.

Pence Food Center, foodstore; 1501 South Sante Fe, Chanute, KS; bagger, carryout, cashier, janitorial, stock clerk; 8 to 25 percent; 2-22-72.

Piggly Wiggly, foodstores, for the occupations of checker, stock clerk, bagger, clerk, 10 percent, 2-27-72, except as otherwise indicated: 830 South Oates Street, Dothan, AL (bagger, 9 to 10 percent, 3-5-72); No. 21, Texarkana, Ark. (3-8-72); West Oakland Avenue, Camilla, Ga. (bagger, 3-5-72); Town and Country Shopping Center, Pikeville, Ky. (bagger, carryout, stock clerk, 20 to 32 percent, 2-23-72); South Van Buren Street, Carthage, Miss. (stock clerk, bagger, clean up, 11 to 15 percent); Biscoe, N.C. (bagger, checker, stock clerk, 19 to 20 percent, 3-1-71 to 1-31-72) (Replacement); Mount Gilead, N.C. (bagger, checker, stock clerk, 19 to 20 percent, 3-1-71 to 1-31-72) (Replacement); 102 West Chestnut, Troy, NC (bagger, checker, stock clerk, 19 to 20 percent, 3-1-71 to 1-31-72) (Replacement); Highway 6 and Rosemary, Bryan, Tex. (1 to 31 percent); 407 South Main Street, Henderson, TX (1 to 31 percent); No. 10, Rockdale, Tex.; No. 11, Temple, Tex.; Nos. 8 and 9, Waco, Tex.; Williamson, W. Va. (bagger, carryout, stock clerk, 20 to 32 percent, 2-23-72).

Pikes Peak Drumstick, Inc., restaurant; 1104 South Circle Drive, Colorado Springs, CO; waiter (waitress), kitchen helper, bus boy (girl), host (hostess), counter helper, takeout clerk; 38 to 63 percent; 3-2-71 to 2-24-72.

Queen Nursing Home, nursing home; 300 Queen Avenue North, Minneapolis, MN; nurse's aide, kitchen helper; 6 to 15 percent; 3-17-72.

Rayless Department Store, variety-department store; 112-114 Main Street, Suffolk, VA; clerk, salesclerk, stock clerk, janitorial, marker; 13 to 34 percent; 3-1-72.

The Record Bar, music stores, for the occupation of salesclerk, 13 to 28 percent, 2-18-71 to 1-1-72, except as otherwise indicated: Chapel Hill, N.C.; Southpark Mall, Charlotte, N.C. (2-18-71 to 2-8-72); 201 East Main Street, Durham, N.C.; Greenville, N.C. (2-18-71 to 2-8-72); Cameron Village, Raleigh, N.C.; North Hills Shopping Center, Raleigh, N.C.; Tarrytown Mall, Rocky Mount, N.C. (2-18-71 to 2-8-72).

Scott Foods, Inc., foodstore; Oneida, Tenn.; bagger, service meat counter, produce helper, stock clerk; 19 to 30 percent; 3-1-71 to 2-28-72.

Shop Rite, Inc., foodstores, for the occupations of bagger, stock clerk, 10 percent, 3-1-71 to 2-28-72; Murray Plaza, Chatsworth, Ga.; Downtown Shopping Center, Summerville, Ga.

Southside Super Market, foodstore; 610 South Main Street, Charles City, IA; cashier, carryout, stock clerk; 21 to 60 percent; 3-15-72.

Stop and Shop Food Market, foodstore; 626 Main Street, Barboursville, W. Va.; carryout, stock clerk, cashier; 14 to 25 percent; 3-11-72.

Sureway Food Store, foodstores, for the occupations of carryout, checker, stock clerk, 18 to 38 percent, 3-14-72, except as otherwise indicated: No. 1, Calvert City, Ky.; No. 7, Eddyville, Ky.; No. 2, Henderson, Ky. (23 to 40 percent); No. 14, Henderson, Ky. (23 to 40 percent, 3-1672); No. 10, Madisonville, Ky. (26 to 48 percent); No. 6, Marion, Ky.; No. 12, Providence, Ky. (26 to 48 percent); No. 3, Sturgis, Ky.

Sutherland Hospital & Nursing Home, hospital; 344 Hickory Street, Sutherland, NE; nurse's aide, kitchen helper; 0 to 8 percent; 3-15-72.

T. G. & Y. Stores Co., variety-department stores, for the occupations of salesclerk, stock clerk, office clerk: No. 2100, Little Rock, Ark., 11 to 30 percent, 2-27-72; No. 544, Granada Hills, Calif., 16 to 30 percent, 3-20-71 to 2-28-72; No. 634, Los Angeles, Calif., 19 to 35 percent, 3-20-71 to 2-28-72; No. 309, Manhattan, Kans., 15 to 29 percent, 3-12-72; No. 810, Santa Fe, N. Mex., 4 to 30 percent, 3-6-72; No. 10, Ada, Okla., 20 to 30 percent, 2-27-72; No. 44, Bethany, Okla., 5 to 28 percent, 3-6-72; No. 423, Oklahoma City, Okla., 18 to 30 percent, 3-13-72; No. 22, Sapulpa, Okla, 24 to 30 percent, 3-12-72; No. 50, Tulsa, Okla, 16 to 30 percent, 3-12-72; No. 401, Tulsa, Okla., 14 to 30 percent, 3-12-72; No. 828, Abilene, Tex., 8 to 30 percent, 3-10-72; Nos. 813 and 821, Houston, Tex., 30 percent, 3-1-71 to 2-28-72; No. 739, Kilgore, Tex., 30 percent, 2-27-72; No. 762, Marshall, Tex., 30 percent, 2-29-72.

Tip Top Fruit Farm, Inc., agriculture; Route 1, Penn Laird, Va.; fruit packer, fruit grader, unloader, loader; 5 to 50 percent; 3-4-72.

Tom Thumb Stores, Inc., foodstores, for the occupation of package clerk, 9 to 13 percent, 2-23-72: Nos. 23, 27, 28, 30, and 34, Dallas, Tex.; No. 25, Garland, Tex.; No. 24, Grand Prairie, Tex.

Tradewell Supermarket, foodstore; 425 Camden Road, Huntington, W. Va.; carryout, stock clerk, cashier; 16 to 22 percent; 3-15-72.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or consideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 18th day of June 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-8988 Filed 6-24-71;8:50 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 22, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42231—*Sulphuric Acid to Holt, Ala.* Filed by O. W. South, Jr., Agent (No. A6265), for interested rail carriers. Rates on acid, sulphuric, in tank carloads, as described in the application, from Occidental, Fla., to Holt, Ala.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 46 to Southern Freight Association, agent, tariff ICC S-881. Rates are published to become effective on July 22, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-9014 Filed 6-24-71;8:52 am]

HOME TRANSPORTATION CO., INC., ET AL.

Assignment of Hearings

JUNE 22, 1971.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC-111545 Sub 150, Home Transportation Co., Inc., now being assigned July 22, 1971, at Columbus, Ohio, in Room 4, State Office Building, 65 South Front Street.

FD-26349, Missouri Pacific Railroad Co.—Trackage Rights—St. Louis-San Francisco Railway Co., and FD-26350, Missouri Pacific Railroad Co., Abandonment between Crane and Battlefield, Mo., assigned hearing July 26, 1971, at Springfield, Mo., in Court Room 308, U.S. Courthouse, 870 Boonville.

MC-2229 Sub 157, Red Ball Motor Freight, Inc., Dallas, Tex., assigned for continued hearing on June 28, 1971, at Texas State Hotel, Houston, Tex., and July 12, 1971, at the Stemmons Inn, Dallas, Tex.

MC-119441 Sub 25, Baker Hi-Way Express, Inc., Dover, Ohio, now assigned July 2, 1971, at Columbus, Ohio, postponed indefinitely.

MC-52657 Sub 676, Arco Auto Carriers, Inc., now assigned June 28, 1971, at Washington, D.C., canceled and transferred to modified procedure.

MC-C-7287, Aaacon Auto Transport, Inc.—Investigation and Revocation of certificate, and FF-359, Auto Trip U.S.A., Inc., Freight Forwarder Application, assigned hearing July 12, 1971, at New York, N.Y., is postponed to September 27, 1971, same time and place.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9016 Filed 6-24-71;8:52 am]

[Notice 707]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 22, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72911. By order of June 21, 1971, Motor Carrier Board approved the transfer to Tullahoma Freight Co., Inc., Tullahoma, Tenn., of the certificates of registration in Nos. MC-121592 issued October 23, 1967, and No. MC-121592 (Sub-No. 1) issued August 5, 1966, to Frank C. Martin, doing business as Tullahoma Freight Co., Tullahoma, Tenn., authorizing transportation corresponding in scope to common carrier certificates Nos. 2333, dated July 21, 1965, and No. 233-A, dated April 22, 1966, issued by the Tennessee Public Service Commission. R. E. Bonner, Jr. 111 West Court Street, McMinnville, TN 37110, attorney for applicants.

No. MC-FC-72934. By order of June 17, 1971, the Motor Carrier Board approved the transfer to Gerald E. Amundson, Route 1, Northfield, Minn. 55057, of the operating rights in certificates Nos. MC-115295, MC-115295 (Sub-No. 1), MC-115295 (Sub-No. 2), MC-115295 (Sub-No. 3), MC-115295 (Sub-No. 4), and MC-115295 (Sub-No. 5) issued July 10, 1963, November 5, 1964, November 1, 1965, April 21, 1966, September 6, 1967, and July 19, 1968, respectively, to Bob Utgard, doing business as Utgard Trucking, New Richmond, Wis., authorizing the transportation of animal and poultry feeds, from New Richmond, Wis., to points in Olmsted, Dakota, Scott, Anoka, Benton, Carlton, Chisago, Hennepin, Isanti, Kanabec, Mille Lacs, Pine, Ramsey, Sherburne, Washington, Wright, Mower, Carver, Chippewa, Dodge, Freeborn, Le Seuer, McLeod, Meeker, Nicollet, Renville, Rice, Sibley, Steele, Waseca, Goodhue, Lac Qui Parle, Wabasha, Yellow Medicine, Fillmore, and Houston Counties, Minn., specified portions of Blue Earth, Faribault, and Winona Counties, Minn., and points in Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Fayette, Floyd, Franklin, Howard, Mitchell, Winnebago, Winneshiek and Worth Counties, Iowa; manufactured feed ingredients, in bulk and in bags, from points in Carver, Dakota, Hennepin, Ramsey, and Scott Counties, Minn., to New Richmond, Wis., and alfalfa meal and alfalfa pellets, from points in Renville County, Minn., to New Richmond, Wis. Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402, attorney for transferor.

No. MC-FC-72950. By order of June 18, 1971, the Motor Carrier Board approved the transfer to K & B Mounting, Inc., Warren, Mich., of the operating rights in certificates Nos. MC-1184, MC-1184 (Sub-No. 1), MC-1184 (Sub-No. 2), MC-1184 (Sub-No. 4), MC-1184 (Sub-No. 9), MC-1184 (Sub-No. 13), and MC-1184 (Sub-No. 19) issued May 4, 1942, June 3, 1940, December 30, 1944, November 14, 1950, July 16, 1958, November 5, 1959, and February 5, 1971, respectively to George F. Burnett Co., Inc., South Bend, Ind., authorizing the transportation of specified commodities from South Bend, Ind., to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; from Baltimore, Md., to points in Maine, New Hampshire, Vermont, Minnesota, and Iowa; and from Bethlehem, Pa., to Atlanta, Ga., Cincinniati, Ohio, St. Louis, Mo., and Flint, Mich. Harold G. Hernly, 510 Circle Building, 2030 North Adams Street, Arlington, VA 22201, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-9015 Filed 6-24-71;8:52 am]

[Rev. S.O. 994; ICC Order 47, Amdt. 5]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 47 (The Chicago, Rock Island, and Pacific Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 47 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 21, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.71-9013 Filed 6-24-71;8:52 am]

[S.O. 994; ICC Order 12, Amdt. 13]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 12 (New York, Susquehanna, and Western Railroad Co.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 12 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 21, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.71-9006 Filed 6-24-71;8:51 am]

[Rev. S.O. 994; ICC Order 57, Amdt. 1]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 57 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees), and good cause appearing therefor:

It is ordered, That:

ICC Order No. 57 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 21, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-9007 Filed 6-24-71;8:51 am]

[Rev. S.O. 994; ICC Order 56, Amdt. 1]

PENN CENTRAL TRANSPORTATION CO. AND SOO LINE RAILROAD CO.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 56 (Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, Trustees; and Soo Line Railroad Co.).

It is ordered, That:

ICC Order No. 56 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1971, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., June 30, 1971, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 21, 1971.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.71-9012 Filed 6-24-71;8:52 am]

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